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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 303 and 381

[Docket No. 99–055R]

Exemption of Retail Operations from Inspection Requirements

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim final interpretative rule with an opportunity for comment.

SUMMARY: The Food Safety and Inspection Service is advising interested persons that, in determining whether an establishment is a retail store or restaurant or a similar retail-type establishment that is exempt from requirements for inspection under the Federal Meat Inspection Act or the Poultry Products Inspection Act, the Agency will not consider sales of products that simply ''pass through'' the establishment without any processing or handling other than storage and activities incidental to storage. The effect of this interpretation is to exclude the value of those products in deciding whether, under the Agency's regulations, sales to hotels, restaurants, and similar institutions disqualify the establishment from exemption as a retail store. The Agency is providing an opportunity to comment on its interpretation in advance of upcoming rulemaking on the exemption of retail operations from inspection requirements.

FOR FURTHER INFORMATION CONTACT: Philip Derfler, Deputy Administrator, Office of Policy, Program Development and Evaluation, Food Safety and Inspection Service, Washington, DC 20250–3700; (202) 720–2710.

DATES: This interpretative rule is effective January 4, 2000. Comments may be submitted by February 3, 2000.

ADDRESSES: Submit one original and two copies of written comments to FSIS Docket Clerk, Docket No. 99–055R, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700. All comments submitted will be available for public inspection in the Docket Clerk's office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) that is designed to protect the health and welfare of consumers by preventing the distribution of products that are unwholesome, adulterated, or misbranded. Both the FMIA and the PPIA include requirements for federal inspection, and they prohibit selling or transporting, offering for sale or transportation, or receiving for transportation, in commerce, products that are adulterated or misbranded and products that are required to be inspected, unless they have been inspected and passed (21 U.S.C. 458(a)(2) and 610(c)). Intrastate operations and transactions are effectively subject to the same requirements and prohibitions, pursuant to a State inspection program or designation for federal inspection (21 U.S.C. 454(c)(1) and 661(c)(1)).

Both the FMIA and the PPIA provide that the statutory provisions requiring inspection of the slaughter of livestock or poultry and the preparation or processing of products thereof do not apply to ''operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service * * * to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph'' (*i.e.*, establishments that are subject to federal inspection because they are located in designated States and territories) (21 U.S.C. 454(c)(2) and 661(c)(2)). In § 303.1(d) and § 381.10(d), respectively (9 CFR 303.1(d) and 381.10(d)), FSIS addresses the conditions under which Federal or state inspection requirements do not apply to retail operations.

A recent FSIS notice advised the public that the Agency is reviewing its regulations on the exemption of retail operations from requirements for inspection under the FMIA or the PPIA (64 FR 55694, October 14, 1999). The notice advised that the Agency intends to initiate notice-and-comment rulemaking on the application of inspection requirements and on handling conditions necessary to ensure that products delivered to consumers are not adulterated or misbranded (see 21 U.S.C. 454, 455, 463(a), 464, 603 through 606, 623, 624, and 661). As part of this review, the Agency has reevaluated USDA's historical treatment of products that simply pass through an establishment without any processing or handling (*e.g.*, unwrapping or rewrapping) other than storage and activities, such as the unloading of vehicles, that are incidental to storage.

The FMIA defines ''prepared'' as ''slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed'' (21 U.S.C. 601(l)), and for purposes of the PPIA, ''processed'' means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed'' (21 U.S.C. 453(w)). The statutory provisions that require the inspection of slaughter and product preparation or processing (21 U.S.C. 455 and 603 through 606) do not require the inspection of storage and related activities. Other statutory provisions apply to businesses that involve product sales and storage, such as warehouses (see, *e.g.*, 21 U.S.C. 460(b)(2) and (e), 463(a), 624, 642(a)(2), and 645).

Because products that simply ''pass through'' an establishment do not undergo any processing or handling other than storage and activities incidental to storage, sales of these products should not be considered in determining whether an establishment's operations are exempt from requirements for Federal or state inspection. Currently, this question can arise when a store that otherwise meets the requirements for exemption under § 303.1(d)(2) or § 381.10(d)(2) has sales to hotels, restaurants, or similar institutions. Under the regulations (paragraphs (d)(2)(iii)(*b*) and (d)(2)(vi) of §§ 303.1 and 381.10), sales of meat or poultry products to hotels, restaurants,

and similar institutions do not disqualify an establishment from exemption as a retail store so long as they do not exceed either of two maximum limits: 25 percent of the dollar value of total product sales and the total calendar year dollar limitation. (The Administrator adjusts the dollar limitation, which currently is $41,000 under the FMIA and $39,000 under the PPIA (63 FR 41540, August 4, 1998), when the Consumer Price Index indicates a change of more than $500 in the price of the same volume of product.) FSIS applies these limits when it investigates complaints alleging that retail stores claiming exemption under § 303.1(d) or § 381.10(d) have been operating in violation of the conditions prescribed in the regulations (see paragraph (d)(3) of §§ 303.1 and 381.10).

Because FSIS's conclusion rests on its views about the scope of the FMIA and PPIA requirements for inspection (21 U.S.C. 455 and 603 through 606), the Agency has decided that it should begin applying its interpretation now with respect to sales of products that clearly have not undergone any processing or handling other than storage and activities incidental to storage, rather than waiting until the anticipated rulemaking on the exemption regulations. The effect of this interpretative rule is to exclude the value of products such as properly labeled packages of bacon and cans of poultry stew that ''pass through'' an establishment in deciding whether sales to hotels, restaurants, and similar institutions exceed either of the two maximum limits. Future calculations of the total dollar value of an establishment's sales to hotels, restaurants, and similar institutions and the proportion of its total product sales that institutional sales represent will not include the value of products so identified.

Not counting sales of products that clearly ''pass through'' an establishment without undergoing any processing or handling other than storage and activities incidental to storage essentially returns FSIS to USDA's practice during the early years of the retail exemption regulations. However, USDA then based the practice on a decision that these sales were traditional and usual for retail stores. That decision was challenged in 1975, and in January 1976, when commenters did not provide ''evidence to support a conclusion that such sales of prepackaged inspected products to nonhousehold consumers had been a traditional and usual retail operation,'' USDA withdrew a proposed rule that would have codified rules for applying the exclusion (40 FR 15906).

The basis for FSIS's action today is different, as explained above. In fact, FSIS views the ''traditionally and usually'' criterion in the retail operations exemption (21 U.S.C. 454(c)(2) and 661(c)(2)) as only restricting the types of preparation or processing operations—those ''types traditionally and usually conducted at retail stores and restaurants''—that an establishment may conduct. This is not the issue here. Other criteria in the statutory exemption address the product sales aspects of retail operations.

FSIS does recognize that the views of various members of the public may differ on the circumstances under which products should be treated as ''passing through'' an establishment. Therefore, it is providing the public with an opportunity to submit comments for consideration by the Agency during development of its proposed rule on the exemption of retail operations from inspection requirements. Pending any changes in the regulations as a result of further rulemaking, the Agency will address questions about particular products on a case-by-case basis.

Additional Public Notification

FSIS has considered the potential civil rights impact of this interpretative rule on minorities, women, and persons with disabilities. Public involvement in all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this interpretative rule and are informed about the mechanism for providing comments, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update.

FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC, on: December 27, 1999.

Thomas J. Billy,

Administrator.

[FR Doc. 00–44 Filed 1–3–00; 8:45 am]

BILLING CODE 3410–DM–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 935

[No. 99–69]

RIN 3069–AA91

Information Collection Approval; Technical Amendment to Advances to Nonmembers Rule

AGENCY: Federal Housing Finance Board.

ACTION: Final Rule.

SUMMARY: Under the Paperwork Reduction Act of 1995 (Act), the Office of Management and Budget (OMB) has approved a three-year extension of the information collection contained in the Federal Housing Finance Board (Finance Board) regulation governing Federal Home Loan Bank advances to nonmembers. The OMB control number approving the information collection now expires on November 30, 2002. In accordance with the requirements of the Act, the Finance Board is amending the advances to nonmembers rule to reflect this new expiration date.

EFFECTIVE DATE: The final rule will become effective on January 4, 2000.

FOR FURTHER INFORMATION CONTACT: Jonathan F. Curtis, Senior Financial Analyst, Policy Development and Analysis Division, Office of Policy, Research and Analysis, by telephone at 202/408–2866, by electronic mail at curtisj@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Background

In order to extend the expiration date of the OMB control number approving the information collection contained in its advances to nonmembers rule, the Finance Board published requests for public comments regarding the information collection in the **Federal Register** on June 16 and October 5, 1999. See 64 FR 32235 (June 16, 1999) and 64 FR 54021 (Oct. 5, 1999). The

Finance Board also submitted an analysis of the information collection, entitled ''Advances to Nonmember Mortgagees,'' to the OMB for review and approval. The OMB has approved a three-year extension of the information collection under OMB control number 3069–0005. The OMB control number now expires on November 30, 2002.

Under the Act and the OMB's implementing regulation, 44 U.S.C. 3507 and 5 CFR 1320.5, an agency may not sponsor or conduct, and a person is not required to respond to, an information collection unless the regulation collecting the information displays a currently valid OMB control number. Accordingly, the Finance Board is amending the advances to nonmembers rule to reflect the new expiration date of the OMB control number.

II. Notice and Public Participation

Because the effectiveness of the information collection contained in the advances to nonmembers rule must be maintained, the Finance Board for good cause finds that the notice and public procedure requirements of the Administrative Procedures Act are impracticable, unnecessary, or contrary to the public interest. *See* 5 U.S.C. 553(b)(3)(B).

III. Effective Date

For the reasons stated in part II above, the Finance Board for good cause finds that the final rule should become effective on January 4, 2000. *See* 5 U.S.C. 553(d)(3).

IV. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act do not apply since this technical amendment to the advances to nonmember rule does not require publication of a notice of proposed rulemaking. *See* 5 U.S.C. 601(2) and 603(a).

V. Paperwork Reduction Act

The rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Part 935

Credit, Federal home loan banks, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Finance Board hereby amends 12 CFR part 935 as follows:

PART 935—ADVANCES

1. The authority citation for part 935 continues to read as follows:

Authority: 12 U.S.C. 1422a(a)(3), 1422b(a)(1), 1426, 1429, 1430, 1430b, and 1431.

Subpart B—Advances to Nonmembers

§§ 935.22, 935.23 and 935.24 [Amended]

2. Revise the parenthetical statement that appears after §§ 935.22, 935.23, and 935.24 to read as follows:

(The Office of Management and Budget has approved the information collection contained in this section and assigned control number 3069–0005 with an expiration date of November 30, 2002.)

By the Board of Directors of the Federal Housing Finance Board.

Dated: December 22, 1999.

Bruce A. Morrison,

Chairman.

[FR Doc. 00–38 Filed 1–3–00; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 99–68]

RIN 3069–AA82

Amendment of Affordable Housing Program Regulation

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is adopting as final, with no changes, the May 5, 1999 Interim Final Rule which amended its regulation governing the operation of the Affordable Housing Program (AHP or Program) to make certain technical revisions clarifying Program requirements and improving the operation of the AHP.

EFFECTIVE DATE: The final rule shall be effective on January 4, 2000.

FOR FURTHER INFORMATION CONTACT: Janet M. Fronckowiak, Acting Deputy Director, Program Assistance Division, Office of Policy, Research and Analysis, (202) 408–2575; or Sharon B. Like, Senior Attorney-Advisor, Office of General Counsel, (202) 408–2930, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 10(j)(1) of the Federal Home Loan Bank Act (Bank Act) requires each Federal Home Loan Bank (Bank) to establish a Program to subsidize the interest rate on advances to members of the Federal Home Loan Bank System engaged in lending for long-term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates. *See* 12 U.S.C. 1430(j)(1) (1994). The Finance Board is required to promulgate regulations governing the operation of the Program. *See id.*

On August 4, 1997, the Finance Board published a final AHP regulation adopting comprehensive revisions to the Program, *see* 12 CFR part 960, which, among other changes, authorized the 12 Banks, rather than the Finance Board, to approve applications for AHP subsidies beginning January 1, 1998. *See* 62 FR 41812 (Aug. 4, 1997). On May 20, 1998, the Finance Board published an Interim Final Rule amending the regulation to make certain technical revisions clarifying Program requirements and improving the operation of the AHP. *See* 63 FR 27668 (May 20, 1998). The Interim Final Rule was adopted as a final rule, with several changes, and became effective on June 1, 1999.

In the course of implementing the changes to the Program under the recent revisions to the AHP regulation, the Banks and Finance Board staff identified a number of additional technical issues whose resolution would clarify Program requirements and improve the effectiveness of the Program. Accordingly, on May 5, 1999, the Finance Board published another Interim Final Rule amending the AHP regulation, effective June 4, 1999, to address these additional issues. The May 5, 1999 Interim Final Rule provided for a 60-day comment period, which closed on July 6, 1999.

The Finance Board received one comment letter on the May 5, 1999 Interim Final Rule from a financial institutions trade association, which generally supported several provisions in the Interim Final Rule and noted one potential concern which is discussed below.

II. Analysis of the Final Rule

Requirement for Independent Appraisals from State Certified or Licensed Appraisers for Member Real Estate Owned (REO) Properties and Properties Upon Which a Member Holds a Mortgage or Lien—§ 960.5(b)(2)(ii)(B)

The May 5, 1999 Interim Final Rule amended § 960.5(b)(2)(ii)(B) of the AHP regulation to require that an independent appraisal of the AHP property be obtained within six months prior to the date the Bank disburses AHP subsidy to the project. The Interim

Final Rule also amended this section to require that the independent appraisal be completed by a State certified or licensed appraiser, as defined in 12 CFR 564.2(j) and (k), in order to ensure a more accurate evaluation of the property value. The commenter generally supported these amendments, but noted that for projects valued at less than $250,000, the cost of such an appraisal may be burdensome in some cases.

The Finance Board believes that the AHP regulatory appraisal requirement generally would not impose an additional cost on AHP projects. First, it is likely that most projects, regardless of the value of the projects, would be required by at least one of their other funding sources to obtain an appraisal completed by a State certified or licensed appraiser. Second, the AHP regulation does not require that the appraisal be in narrative form, which should keep the cost of the appraisal down. Third, if an appraisal of the project by a State certified or licensed appraiser was completed prior to the six-month period preceding AHP funding, only an update or addendum to the original appraisal need be obtained, which should further limit costs to the project. Accordingly, no change has been made to the appraisal requirement in the final rule.

III. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Moreover, the final rule applies only to the Banks, which do not come within the meaning of ''small entities,'' as defined in the Regulatory Flexibility Act. *See id.* § 601(6).

IV. Paperwork Reduction Act

This final rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

Accordingly, under the authority of 12 U.S.C. 1430(j) (1994), the Interim Final Rule amending 12 CFR part 960, published at 64 FR 24025 (May 5, 1999), is adopted as final without changes.

Dated: December 20, 1999.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairman.

[FR Doc. 00–37 Filed 1–3–00; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–222–AD; Amendment 39–11491; AD 99–27–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A310 and A300–600 series airplanes, that requires wiring modifications to the engine and auxiliary power unit (APU) fire detection system. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the fire warning from terminating prematurely, which could result in an unnoticed, uncontained engine/APU fire.

DATES: Effective February 8, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 8, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes was published in the **Federal Register** on October 6, 1999 (64 FR 54248). That action proposed to require wiring modifications to the engine and auxiliary power unit (APU) fire detection system.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter supports the proposed AD.

Request to Change Material in the Electrical Cabling

One commenter provides data that suggest that the FAA should require an alternative material for the electrical cabling to the engine's core wiring harnesses for the engine/APU fire detection system, rather than require a change to the control logic of the fire detection system. The commenter states that the presently used wire harness will degrade rapidly in the high temperature and vibration environment. The commenter describes an alternative material that can withstand these severe environments without degradation. Thus, it could prevent damage to the wire harness in the event of an engine fire.

The FAA does not concur with the proposal. The Airbus service bulletins referenced as the appropriate sources of service information for accomplishment of the wiring modifications required by this AD address the potential for the APU engine fire warning to terminate prematurely; these service bulletins provide a design change to the detection system control logic that would address the identified unsafe condition. The FAA has determined that the installation of electrical cabling made of an alternative material, though increasing the harness resistance, wound not ensure a reliable fire detection system control logic. Although a change in the cabling material may provide some long-term benefit, it does not directly correct the unsafe condition identified and addressed in this AD. No change to the AD is required.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 113 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $408 per airplane. Based on these

figures, the cost impact of the AD on U.S. operators is estimated to be $80,004, or $708 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–27–10 Airbus Industrie: Amendment 39–11491. Docket 99–NM–222–AD.

Applicability: Model A310 and A300–600 series airplanes, certificated in any category; except those on which Airbus Modifications 06267 and 07340 have been accomplished during production.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the fire warning from terminating prematurely, which could result in an unnoticed, uncontained engine/auxiliary power unit (APU) fire, accomplish the following:

Modifications

(a) Within 24 months after the effective date of this AD, accomplish the wiring modifications to the engine and APU fire detection system in the relay box 282VU and the electronics rack 90VU in accordance with Airbus Service Bulletin A310–26–2024, Revision 04, dated March 5, 1999 (for Model A310 series airplanes); or A300–26–6038, dated March 5, 1999, or Revision 1, dated September 8, 1999 (for Model A300–600 series airplanes); as applicable.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The modifications shall be done in accordance with Airbus Service Bulletin A310–26–2024, Revision 04, dated March 5, 1999; Airbus Service Bulletin A300–26–6038, dated March 5, 1999; or Airbus Service Bulletin A300–26–6038, Revision 1, dated September 8, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 1999–238–286(B), dated June 2, 1999.

(e) This amendment becomes effective on February 8, 2000.

Issued in Renton, Washington, on December 23, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–12 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–241–AD; Amendment 39–11486; AD 99–27–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767–200, –300, and –300F series airplanes, that requires replacement of the hydraulic reducer fitting in the return port of the alternate brake selector valve with a new restrictor fitting. This amendment is prompted by a report indicating that a brake housing had fractured due to high loads associated with brake vibration during landing gear retraction, which allowed the torque rod to swing free. The actions specified by this AD are intended to prevent failure of the brake housing in the torque rod region, which could reduce the braking capability of the airplane and/or prevent the extension of a main landing gear by any method.

DATES: Effective February 8, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 8, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane

Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: David Herron, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2672; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767–200, –300, and –300F series airplanes was published in the **Federal Register** on August 4, 1998 (63 FR 41481). That action proposed to require replacement of the hydraulic reducer fitting in the return port of the alternate brake selector valve with a new restrictor fitting.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter concurs with the requirements of the proposed AD. The Air Transport Association (ATA) of America states that one of its members does not currently operate any airplanes affected by the proposed rule, and another member has no objection to the proposed rule.

Request To Revise the Discussion Section

One commenter states that it does not agree that the brake vibration is caused by excessive flow of hydraulic fluid into the alternate system metering valves during gear retract braking, as described in the Discussion section of the proposed AD. The commenter contends that the gear retract braking system, common to Model 757, 747–400, and 777 series airplanes, and to Model 767 series airplanes equipped with steel brakes, has demonstrated trouble-free service experience in all of those airplane models without brake vibration. The brake vibration that has occurred during gear retract braking on Model 767 series airplanes equipped with Boeing part number (P/N) S160T300-series carbon brakes is attributed to the friction-material characteristics of the carbon brakes. Reducing the brake-pressure onset rate consistently reduces peak brake-torque amplitudes and brake vibration levels, when present.

The new carbon brake, Boeing P/N S160T4000–210, for Model 767 series airplanes, uses a new carbon heatsink that has demonstrated extremely stable dynamic characteristics during laboratory and flight tests. Therefore, replacement of the existing carbon brakes, P/N S160T300-series, with the new carbon brake will, in itself, alleviate the high loads associated with brake vibration, without replacing the hydraulic restrictor fitting. The commenter recommends revising the Discussion section to read ''Brake vibration during gear retract braking can be reduced on the existing carbon brakes by reducing the hydraulic flow to the brakes.''

The FAA does not concur that the cause of the brake vibration on Model 767–200, –300, and –300F series airplanes is due to the brake material and not the gear retract braking system. In addition, it is not necessary to revise the Discussion section, as that section does not appear in the final rule.

Because the brake system comprises a group of components that include the brake friction material and gear retract brakes, which are subsets of the brake system, the FAA considers each component to be a contributor to the unsafe condition. Additionally, Boeing Service Bulletin 767–32–0152, dated June 6, 1996, and Revisions 1 and 2 of that service bulletin, do not specify that the cause of the vibration is the brake material, but only that the vibration occurs in airplanes equipped with carbon brakes. In fact, the third paragraph of the Summary section of Revision 1 of the service bulletin states that ''Installation of the restrictor fitting will reduce the flow into the alternate-system metering valves during gear retract braking. This will reduce peak torque levels and vibration of the landing gear during retract braking.''

Request To Change the Applicability of the Proposal

The commenter states that since the brake vibration is associated only with P/N S160T300-series carbon brakes, the applicability of the AD should be revised to read ''Model 767–200, –300, and 300F series airplanes equipped with P/N S160T300-series carbon brakes; certified in any category.'' The FAA infers that the commenter considers that it is a combination of carbon brake material and the excessive onset of hydraulic pressure that results in the unsafe condition; and that brakes manufactured with a ceram-metallic composite, while benefiting from the change, do not exhibit the unsafe condition the FAA seeks to correct through the issuance of this AD.

The FAA concurs that the brake vibration is associated only with airplanes equipped with Boeing P/N S160T300-series carbon brakes. The FAA also agrees with the manufacturer that including the specified part number in the applicability of the final rule correctly identifies those airplanes with the unsafe condition, and has revised the final rule accordingly. (The applicability of this AD continues to include the same airplanes ''1 through 607 inclusive;'' however, the term ''line positions,'' which was used in the proposed AD, has been changed to ''line numbers'' in this AD.)

Request To Revise Certain Terminology

One commenter states that, with reference to an alternative means (method) of compliance (AMOC), an ''equivalent'' level of safety rather than an ''acceptable'' level of safety should be considered. The commenter provides no justification for its request.

The FAA does not concur that the level of safety should be specified as ''equivalent'' rather than ''acceptable.'' When considering any AMOC request, the Manager of the Seattle Aircraft Certification Office evaluates the request and determines whether the proposed AMOC request is acceptable (*i.e.,* whether the proposed AMOC adequately addresses the unsafe condition). If so, the manager approves the request, even if it is not technically ''equivalent'' to the method of compliance required by the AD. No change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 373 Model 767–200, –300, and –300F series airplanes of the affected design in the worldwide fleet. The FAA estimates that 86 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate

is $60 per work hour. Required parts will cost approximately $104 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $29,584, or $344 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–27–05 Boeing: Amendment 39–11486. Docket 97–NM–241–AD.

Applicability: Model 767–200, –300, and –300F series airplanes, line numbers 1 through 607 inclusive; equipped with part number S160T300-series carbon brakes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the brake housing in the torque rod region, which could reduce the braking capability of the airplane and/or prevent the extension of a main landing gear, accomplish the following:

Replacement

(a) Within 360 days after the effective date of this AD, replace the hydraulic reducer fitting in the return port of the alternate brake selector valve with a new restrictor fitting, in accordance with Boeing Service Bulletin 767–32–0152, dated June 6, 1996; Revision 1, dated June 27, 1996; or Revision 2, dated July 10, 1997.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The replacement shall be done in accordance with Boeing Service Bulletin 767–32–0152, dated June 6, 1996; Boeing Service Bulletin 767–32–0152, Revision 1, dated June 27, 1996; or Boeing Service Bulletin 767–32–0152, Revision 2, dated July 10, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on February 8, 2000.

Issued in Renton, Washington, on December 22, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–11 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–31–AD; Amendment 39–11492; AD 99–27–11]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, that requires replacing the thrust reverser control unit selector valve with a new or modified valve and inspecting for proper rigging of the thrust reverser cable drums and thrust reverser control unit selector valve detent, and corrective actions, if necessary. This amendment also requires revising the Airplane Flight Manual to provide the flight crew with procedures to address uncontrolled operation of the thrust reverser system. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to provide the flight crew with procedures in the event of uncommanded deployment of the thrust reverser, and to prevent uncommanded deployment of the thrust reverser in flight or on the ground, which could result in reduced controllability of the airplane.

DATES: Effective February 8, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 8, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, Service Support, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes was published in the **Federal Register** on September 15, 1999 (64 FR 50023). That action proposed to require replacing the thrust reverser control unit selector valve with a new or modified valve and inspecting for proper rigging of the thrust reverser cable drums and thrust reverser control unit selector valve detent, and corrective actions, if necessary. That action also proposed to require revising the Airplane Flight Manual (AFM) to provide the flight crew with procedures to address uncontrolled operation of the thrust reverser system.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Clarification of Paragraph (c)

The commenter proposes adding clarification in paragraph (c) of the proposed AD to distinguish Advance Amendment Bulletin 16 (which applies to Model 200 series airplanes) from Advance Amendment Bulletin 12 (which applies to Model 400 series airplanes). The FAA concurs with this proposed change to distinguish between Advanced Amendment Bulletins 16 and 12 and the appropriate airplane series, and has revised paragraph (c) of the final rule accordingly.

Correction to British Airworthiness Directive Number

This same commenter states that the correct number of the British airworthiness directive (identified as ''002–09–08'' in the Explanation of Relevant Service Information of the proposed AD) should be ''002–09–98.''

The FAA agrees that the number was incorrectly identified in the referenced section of the proposed AD. However, the Explanation of Relevant Service Information section is not restated within the final rule; therefore, no change to the final rule is necessary. British airworthiness directive 002–09–98 is correctly identified in NOTE 3 of the proposal and this final rule.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 16 airplanes of U.S. registry will be affected by this AD.

It will take approximately 6 work hours per airplane to accomplish the inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be $5,760, or $360 per airplane.

It will take approximately 1 work hour per airplane to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts will cost approximately $16,000 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $256,960, or $16,060 per airplane.

It will take approximately 1 work hour per airplane to accomplish the AFM revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFM revision required by this AD on U.S. operators is estimated to be $960, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–27–11 **British Aerospace Airbus Limited** (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Amendment 39–11492. Docket 99–NM–31–AD.

Applicability: All Model BAC 1–11 200 and 400 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For

airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To provide the flight crew with procedures in the event of uncommanded deployment of the thrust reverser and to prevent uncommanded deployment of the thrust reverser in flight or on the ground, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform an inspection for proper rigging of the thrust reverser cable drums, in accordance with British Aerospace Alert Service Bulletin 76–A–PM6043, Issue No. 1, dated September 18, 1998. If any drum is found to be improperly rigged, prior to further flight, accomplish the adjustments specified in paragraph 3, ''Adjustments,'' of the alert service bulletin.

(b) Prior to further flight after accomplishing the inspection required by paragraph (a) of this AD, perform an inspection for proper rigging of the thrust reverser selector valve detent, in accordance with Rolls-Royce Spey Service Bulletin Sp78–131, dated September 1998. If any discrepancy is found, prior to further flight, accomplish the adjustments specified in paragraph 3, ''Adjustments,'' of the service bulletin.

(c) Within 30 days after the effective date of this AD, revise the Emergency and Abnormal Procedures Sections of the FAA-approved Airplane Flight Manual (AFM) by inserting, into the applicable sections of the AFM, British Aerospace Advance Amendment Bulletin No. 12 (for Model 400 series airplanes) or No. 16 (for Model 200 series airplanes), as applicable; both dated August 19, 1997.

(d) Within 12 months after the effective date of this AD, replace the thrust reverser control unit selector valve with a new or modified selector valve in accordance with British Aerospace Service Bulletin 78–PM6047, Revision 1, dated November 27, 1998.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) The actions shall be done in accordance with British Aerospace Alert Service Bulletin 76–A–PM6043, Issue No. 1, dated September 18, 1998; Rolls-Royce Spey Service Bulletin Sp78–131, dated September 1998; British Aerospace Service Bulletin 78–PM6047, Revision 1, dated November 27, 1998; British Aerospace Advance Amendment Bulletin No. 12, dated August 19, 1997; and British Aerospace Advance Amendment Bulletin No. 16, dated August 19, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Service Support, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British airworthiness directives 002–09–98 and 005–11–98.

(h) This amendment becomes effective on February 8, 2000.

Issued in Renton, Washington, on December 23, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–10 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–200–AD; Amendment 39–11489; AD 99–27–08]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that requires repetitive inspections of the control quadrant for loose screws, and replacement of the control quadrant with a modified part, which constitutes terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the power levers from binding due to the backing out of screws that secure the solenoid bracket within the flight idle stop assembly, which could result in the malfunction of the flight idle stop mechanism and the override function, and the inability to move the power levers aft of flight idle.

DATES: Effective February 8, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 8, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes was published in the **Federal Register** on September 13, 1999 (64 FR 49418). That action proposed to require repetitive inspections of the control quadrant for loose screws, and replacement of the control quadrant with a modified part, which would terminate action for the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Restatement of Unsafe Condition

One commenter, the manufacturer, requests that the proposed AD be revised to restate the identified unsafe condition. The commenter states that malfunction of the automatic flight idle

stop mechanism would result in the inability to move the power levers aft of flight idle, rather than ''to flight idle,'' as stated in the proposed AD. The commenter also notes that, should the automatic system fail, it can be overridden by the emergency override function. The commenter suggests that pertinent sections of the AD be revised to read ''* * * could result in malfunction of the automatic flight idle stop mechanism and the override function, preventing the power lever to be moved aft of flight idle.'' The FAA concurs that the restatement suggested by the commenter is a more accurate reflection of the unsafe condition identified in this AD, and has revised the final rule accordingly.

Revision of Corrective Action

The same commenter requests that paragraph (b) of the proposed AD be revised to allow installation of an unmodified quadrant, provided it has been inspected without discrepancies detected, and provided it is subject to repetitive inspections until it has been modified. The commenter states that it believes that an acceptable level of safety can be maintained if these conditions are followed. This would allow a quadrant other than a modified quadrant to be installed in the event that loose screws are found in the installed quadrant during any inspection required by paragraph (a) of the AD.

The FAA concurs that installation of any control quadrant that has been modified, or that has been inspected in accordance with the requirements of this AD and found to have no loose screws, is an acceptable corrective action to address the identified unsafe condition. The FAA has revised paragraph (b) of the AD to require such action prior to further flight if loose screws are found in a control quadrant. The FAA also has revised paragraph (d) of the AD, which addresses installation of spare quadrants, to require such action for any control quadrant prior to installation on any airplane.

Revision of Spares Paragraph

The commenter also advises the FAA that the version of the proposed AD that was published in the **Federal Register** omitted certain information pertinent to paragraph (d) of the AD and should be corrected. The commenter states that the list of combinations of acceptable part numbers and reference letters is incorrect, and the list is missing several combinations.

The FAA acknowledges the inadvertent typographical error identified in the **Federal Register** version of the proposed AD. The omission related to certain modified control quadrants acceptable for installation on the airplane. However, as previously described, paragraph (d) of the AD has been broadened to allow installation of both modified and certain unmodified quadrants. Therefore, the list of combinations of part numbers and reference letters is now omitted, and further change to paragraph (d) of the AD is unnecessary.

Cost Estimate

The same commenter states that it believes an estimate of one work hour for the inspection, as provided in the cost impact information of the proposed AD, to be an overestimate. The FAA infers that the commenter is requesting that the cost estimate be revised downward.

The FAA does not concur. The estimate of 1 work hour was obtained by rounding upward from the referenced service bulletin's Manpower estimate of 15 minutes. This practice is followed for simplicity in cost estimating, and does not significantly affect the total cost to operators. No change to the AD is necessary.

Change to the Proposed AD

Paragraph (a) of the proposed AD cites Saab Service Bulletin 340–76–043, Revision 01, dated July 29, 1999, as the appropriate source of service information. However, reference to this revision was inadvertently omitted from paragraphs (b) and (c) of the proposed AD. The procedures described in Revision 01 of the service bulletin are identical to those contained in the original issue of the service bulletin, dated July 2, 1999; and Note 3 in the AD gives credit to operators that may have previously accomplished required actions in accordance with the original version. The FAA has revised paragraphs (b) and (c) of the AD to reference Revision 01 of the service bulletin.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 289 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required inspection on U.S. operators is estimated to be $17,340, or $60 per airplane, per inspection cycle.

The FAA estimates that it will take approximately 4 work hours per airplane to accomplish the required replacement, at an average labor rate of $60 per work hour. Required parts will be supplied by the parts manufacturer at no cost to the operators. Based on these figures, the cost impact of the required replacement on U.S. operators is estimated to be $69,360, or $240 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–27–08 SAAB Aircraft AB: Amendment 39–11489. Docket 99–NM–200–AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers 004 through 159 inclusive; and Model SAAB 340B series airplanes, series number 160 through 459 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the power levers from binding due to the backing out of screws that secure the solenoid bracket within the flight idle stop assembly, which could result in the malfunction of the flight idle stop mechanism and the override function, and the inability to move the power levers aft of flight idle, accomplish the following:

Inspection

(a) Within 800 flight hours after the effective date of this AD, perform a borescopic inspection of the control quadrant for loose screws, in accordance with Saab Service Bulletin 340–76–043, Revision 01, dated July 29, 1999. If no loose screws are found, repeat the inspection thereafter at intervals not to exceed 800 flight hours, until the requirements of paragraph (c) are accomplished.

Note 2: Saab Service Bulletin 340–76–043, dated July 2, 1999, references Adams Rite Aerospace Service Letter General SL–01, dated April 6, 1999, as an additional source of service information to accomplish the inspection.

Note 3: Inspections and replacements accomplished prior to the effective date of this AD in accordance with Saab Service Bulletin 340–76–043, dated July 2, 1999, are considered acceptable for compliance with the applicable action specified in this amendment.

Corrective Action

(b) If any loose screw is found during any inspection performed in accordance with paragraph (a) of this AD, prior to further flight, replace the existing control quadrant with a modified control quadrant, or with a serviceable control quadrant that has been inspected and found to have no loose screws, in accordance with Saab Service Bulletin 340–76–043, Revision 01, dated July 29, 1999.

Terminating Action

(c) Within 8,000 flight hours or 6 years after the effective date of this AD, whichever occurs earlier: Replace the existing control quadrant with a modified control quadrant in accordance with Saab Service Bulletin 340–76–043, Revision 01, dated July 29, 1999. Such replacement constitutes terminating action for the repetitive inspections required by paragraph (a) of this AD.

Spares

(d) As of the effective date of this AD, no person shall install a control quadrant on any airplane, unless the quadrant has been modified, or has been inspected and found to have no loose screws, in accordance with the requirements of this AD.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the, Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) The actions shall be done in accordance with Saab Service Bulletin 340–76–043, Revision 01, dated July 29, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Swedish airworthiness directive SAD No. 1–143, dated July 2, 1999.

(h) This amendment becomes effective on February 8, 2000.

Issued in Renton, Washington, on December 23, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–9 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–327–AD; Amendment 39–11490; AD 99–27–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–203 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 B4–203 series airplanes. This action requires repetitive inspections of the attachment bolts of the brake bar on the main landing gear (MLG) to detect missing or damaged bolts, and replacement with new bolts, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent detachment of the brake bar from the MLG strut, which could result in failure of the main landing gear to extend.

DATES: Effective January 19, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 19, 2000.

Comments for inclusion in the Rules Docket must be received on or before February 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–327–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of

the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain A300 B4–203 series airplanes. The DGAC advises that three cases of brake bar (rod) loss after fracture of retaining bolts have been reported by operators of Model A300 series airplanes equipped with La Guardia landing gears and Messier Bugatti steel brakes. In three other cases, there was no bar separation but retaining bolts were found damaged. The reason for these anomalies is not known at this time. However, such discrepancies, if not corrected, could result in failure of the main landing gear (MLG) to extend.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A300–32–0430, dated January 29, 1999, which describes procedures for repetitive detailed visual inspections of the attachment bolts on the brake bar of the MLG to detect damaged or missing bolts, and replacement of any damaged or missing bolt with a new bolt. The service bulletin describes damage criteria and procedures for determining when the brake bar attachment bolts need to be replaced. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 1999–284–290(B), dated July 13, 1999, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent detachment of the brake bar from the main landing gear strut, which could result in failure of the main landing gear to extend. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the Rule and the Service Information

The manufacturer's service bulletin recommends repetitive inspections to begin at the next ''A'' check with an ''A''-check repetitive interval. The DGAC has established an initial inspection time of 500 flight hours and a repetitive inspection interval of 500 flight hours. In developing an appropriate compliance time for this action, the FAA considered the safety implications, the compliance time of the DGAC, and normal maintenance schedules for timely accomplishment of the inspections. Consequently, the FAA concurs with the DGAC's mandated compliance time.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 2 work hours to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD would be $120 per airplane, per inspection cycle.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register.**

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–327–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3)

will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–27–09 Airbus Industrie: Amendment 39–11490. Docket 99–NM–327–AD.

Applicability: Model A300 B4–203 series airplanes, certificated in any category, equipped with La Guardia main landing gears (MLG) and Messier Bugatti steel brakes.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent detachment of the brake bar from the MLG strut, which could result in failure of the MLG to extend, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform a detailed visual inspection to detect missing brake bar attachment bolts on the left and right MLG, in accordance with Airbus Service Bulletin A300–32–0430, dated January 29, 1999.

(1) If no attachment bolt is missing, prior to further flight, remove the attachment bolts, and perform a detailed visual inspection to detect damage, as specified by Figure 1 of the service bulletin. Accomplish the actions in accordance with the service bulletin.

(i) If no damage is detected, repeat the detailed visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight hours.

(ii) If any damage is detected, prior to further flight, replace the two attachment bolts with new bolts in accordance with the service bulletin. Repeat the detailed visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight hours.

(2) If any attachment bolt is missing, prior to further flight, replace the two attachment bolts with new bolts, in accordance with the service bulletin. Repeat the detailed visual inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 500 flight hours.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Service Bulletin A300–32–0430, dated January 29, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 1999–284–290(B), dated July 13, 1999.

(e) This amendment becomes effective on January 19, 2000.

Issued in Renton, Washington, on December 23, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–130–AD; Amendment 39–11488; AD 99–27–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600R and A300 F4–600R Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Airbus Model A300 B4–600R and A300 F4–600R series airplanes, that currently requires a one-time visual inspection for damage of the center tank fuel pumps and fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. This amendment also requires repetitive visual inspections of the fuel pumps and repetitive eddy current inspections of the fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. This amendment also reduces the applicability to include only those airplanes that have a trim tank system installed. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect damage to the fuel pump and fuel pump canister, which could result in loss of flame trap capability and could provide a fuel ignition source in the center fuel tank.

DATES: Effective February 8, 2000.

The incorporation by reference of Airbus Alert Service Bulletin A300–28A6061, dated February 19, 1999, as listed in the regulations, is approved by the Director of the Federal Register as of February 8, 2000.

The incorporation by reference of Airbus All Operators Telex (AOT) 28–

09, dated November 28, 1998, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 28, 1998 (63 FR 70639, December 22, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–25–53, amendment 39–10956 (63 FR 70639, December 22, 1998), which is applicable to all Airbus Model A300 B4–600R and A300 F4–600R series airplanes, was published in the **Federal Register** on October 27, 1999 (64 FR 57800). The action proposed to require a one-time visual inspection for damage of the center tank fuel pumps and fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. The action also proposed to require repetitive visual inspections of the fuel pumps and repetitive eddy current inspections of the fuel pump canisters, and replacement of damaged fuel pumps and fuel pump canisters with new or serviceable parts. The action also proposed to reduce the applicability to include only those airplanes that have a trim tank system installed.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 67 airplanes of U.S. registry that will be affected by this AD.

The inspection that is currently required by AD 98–25–53, and retained in this AD, takes approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $120 per airplane.

The new inspections that are required in this AD action will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be $8,040, or $120 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10956 (63 FR 70639, December 22, 1998), and by adding a new airworthiness directive (AD), amendment 39–11488, to read as follows:

99–27–07 Airbus Industrie: Amendment 39–11488. Docket 99–NM–130–AD. Supersedes AD 98–25–53, Amendment 39–10956.

Applicability: Model A300 B4–600R and A300 F4–600R series airplanes, on which Airbus Modification 4801 (trim tank system) has been accomplished, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect damage to the fuel pump and fuel pump canister, which could result in loss of flame trap capability and could provide a fuel ignition source in the center fuel tank, accomplish the following:

Inspections

(a) Prior to the accumulation of 5,000 total hours time-in-service, or within 250 hours time-in-service after the effective date of this AD, whichever occurs later, perform a detailed visual inspection for damage of the center tank fuel pumps and fuel pump canisters, in accordance with Airbus All Operators Telex (AOT) 28–09, dated November 28, 1998. Repeat the inspection prior to the accumulation of 12,000 total hours time-in-service, or within 250 hours time-in-service after accomplishment of the initial inspection, whichever occurs later. Thereafter, repeat the inspection at intervals not to exceed 250 hours time-in-service, until accomplishment of the initial inspection required by paragraph (b) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system,installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by

the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(b) At the applicable time specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD: Perform a detailed visual inspection to detect damage of the center tank fuel pumps and perform an eddy current inspection to detect damage of the fuel pump canisters, in accordance with Airbus Alert Service Bulletin A300–28A6061, dated February 19, 1999. Repeat the inspections thereafter at intervals not to exceed 1,500 flight cycles. Accomplishment of the initial inspections required by this paragraph constitutes terminating action for the requirements of paragraph (a) of this AD.

(1) For airplanes that have accumulated 11,000 or more total flight cycles as of the effective date of this AD: Inspect within 300 flight cycles after the effective date of this AD.

(2) For airplanes that have accumulated 8,500 or more total flight cycles, but fewer than 11,000 total flight cycles, as of the effective date of this AD: Inspect within 750 flight cycles after the effective date of this AD.

(3) For airplanes that have accumulated fewer than 8,500 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 7,000 flight cycles, or within 1,500 flight cycles after the effective date of this AD, whichever occurs later.

(c) If any damage is detected during any inspection required by this AD, prior to further flight, replace the damaged fuel pump or fuel pump canister with a new or serviceable part in accordance with Airbus Alert Service Bulletin A300–28A6061, dated February 19, 1999.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The actions shall be done in accordance with Airbus All Operators Telex (AOT) 28–09, dated November 28, 1998; and Airbus Alert Service Bulletin A300–28A6061, dated February 19, 1999.

(1) The incorporation by reference of Airbus Alert Service Bulletin A300–28A6061, dated February 19, 1999, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Airbus All Operators Telex (AOT) 28–09, dated November 28, 1998, was approved previously by the Director of the Federal Register as of December 28, 1998 (63 FR 70639, December 22, 1998).

(3) Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 1999–149–280(B), dated April 7, 1999.

(g) This amendment becomes effective on February 8, 2000.

Issued in Renton, Washington, on December 23, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–6 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 8854]

RIN 1545–AX70

Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulation.

SUMMARY: This document provides a temporary regulation relating to the disclosure of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities. The temporary regulation would permit the IRS to disclose return information to the Department of Agriculture to structure, prepare, and conduct the Census of Agriculture. The text of this temporary regulation also serves as the text of the proposed regulation set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

DATES: *Effective Date:* This regulation is effective January 4, 2000.

Applicability Date: For dates of applicability of this regulation, see, § 301.6103(j)(5)–1T(d).

FOR FURTHER INFORMATION CONTACT: Jennifer S. McGinty, (202) 622–4570 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 6103(j) of the Internal Revenue Code (Code) provides for the disclosure of tax information for statistical purposes. Prior to the Census of Agriculture Act of 1997 (Pub. L. 105–113), the Bureau of Census had responsibility for preparing the Census of Agriculture. Section 6103(j)(1) authorized the Bureau of Census to receive tax information as prescribed in the regulations in structuring censuses. Treasury regulations implemented such authority with respect to the Census of Agriculture. The Census of Agriculture Act transferred responsibility for that Census from the Bureau of Census to the Department of Agriculture. In 1998, the Tax and Trade Relief Extension Act of 1998 (Pub. L. 105–277) added section 6103(j)(5) to provide disclosure authority for the Department of Agriculture to receive tax information to structure, prepare, and conduct the Census of Agriculture. By letter dated May 21, 1999, the Secretary of Agriculture requested that the regulations be amended so that the Department of Agriculture can begin to receive return information for purposes of the Census of Agriculture. This document contains a temporary regulation which authorizes the IRS to disclose return information to the Department of Agriculture for purposes of the Census of Agriculture.

Explanation of Provisions

This temporary regulation will allow the IRS to disclose return information to the Department of Agriculture for purposes of the Census of Agriculture.

The disclosure of the specific items of return information identified in this regulation is necessary in order for the Department of Agriculture to accurately identify, locate, and classify, as well as properly process, information from agricultural businesses to be surveyed for the statutorily mandated Census of Agriculture.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply

to these regulations. For the applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6) refer to the Special Analyses section of the preamble to the cross reference notice of proposed rulemaking published in the Proposed Rules section in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Code, this temporary regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Drafting Information: The principal author of this regulation is Jennifer S. McGinty, Office of the Assistant Chief Counsel (Disclosure Litigation), IRS. However, other personnel from the IRS and Treasury Department participated in its development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 301.6103(j)(5)–1T also issued under 26 U.S.C. 6103(j)(5);* * *

Par. 2. Section 301.6103(j)(5)–1T is added to read as follows:

§ 301.6103(j)(5)–1T Disclosures of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities (temporary).

(a) *General rule.* Pursuant to the provisions of section 6103(j)(5) of the Internal Revenue Code (Code) and subject to the requirements of paragraph (c) of this section, officers or employees of the Internal Revenue Service (IRS) will disclose return information to officers and employees of the Department of Agriculture to the extent, and for such purposes as may be, provided by paragraph (b) of this section.

(b) *Disclosure of return information to officers and employees of the Department of Agriculture.* (1) Officers or employees of the IRS will disclose the return information in this paragraph (b) for individuals, partnerships, and corporations with agricultural activity, as determined generally by industry code classification or the filing of returns for such activity, to officers and employees of the Department of Agriculture for purposes of, but only to the extent necessary in, structuring, preparing, and conducting, as authorized by chapter 55 of title 7, United States Code, the Census of Agriculture.

(2) From Form 1040/Schedule F—

(i) Taxpayer Identity Information (as defined in section 6103(b)(6) of the Code);

(ii) Spouse's SSN;

(iii) Annual Accounting Period;

(iv) Principal Business Activity (PBA) Code;

(v) Sales of livestock and produce raised;

(vi) Taxable cooperative distributions;

(vii) Income from custom hire and machine work;

(viii) Gross income;

(ix) Master File Tax (MFT) Code;

(x) Document Locator Number (DLN);

(xi) Cycle Posted;

(xii) Final return indicator; and

(xiii) Part year return indicator.

(3) From Form 943—

(i) Taxpayer Identity Information;

(ii) Annual Accounting Period;

(iii) Total wages subject to Medicare taxes;

(iv) Master File Tax (MFT) Code;

(v) Document Locator Number (DLN);

(vi) Cycle Posted;

(vii) Final return indicator; and

(viii) Part year return indicator.

(4) From Form 1120 series—

(i) Taxpayer Identity Information;

(ii) Annual Accounting Period;

(iii) Gross receipts less returns and allowances;

(iv) PBA code;

(v) Parent corporation Employer Identification Number, and related Name and PBA Code for entities with agricultural activity;

(vi) Master File Tax (MFT) Code;

(vii) Document Locator Number (DLN);

(viii) Cycle posted;

(ix) Final return indicator;

(x) Part year return indicator; and

(xi) Consolidated return indicator.

(5) From Form 851—

(i) Subsidiary Taxpayer Identity Information;

(ii) Annual Accounting Period;

(iii) Subsidiary PBA Code;

(iv) Parent Taxpayer Identity Information;

(v) Parent PBA Code;

(vi) Master File Tax (MFT) Code;

(vii) Document Locator Number (DLN); and

(viii) Cycle Posted.

(6) From Form 1065 series—

(i) Taxpayer Identity Information;

(ii) Annual Accounting Period;

(iii) PBA Code;

(iv) Gross receipts less returns and allowances;

(v) Net farm profit (loss);

(vi) Master File Tax (MFT) Code;

(vii) Document Locator Number (DLN);

(viii) Cycle Posted;

(ix) Final return indicator; and

(x) Part year return indicator.

(c) *Procedures and Restrictions.* (1) Disclosure of return information by officers or employees of the IRS as provided by paragraph (b) of this section will be made only upon written request designating, by name and title, the officers and employees of the Department of Agriculture to whom such disclosure is authorized, to the Commissioner of Internal Revenue by the Secretary of the Department of Agriculture and describing—

(i) The particular return information to be disclosed;

(ii) The taxable period or date to which such return information relates; and

(iii) The particular purpose for which the return information is to be used.

(2) No such officer or employee to whom return information is disclosed pursuant to the provisions of paragraph (b) of this section shall disclose such return information to any person, other than the taxpayer to whom such return information relates or other officers or employees of the Department of Agriculture whose duties or responsibilities require such disclosure for a purpose described in paragraph (b) of this section, except in a form that cannot be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. If the IRS determines that the Department of Agriculture, or any officer or employee thereof, has failed to, or does not, satisfy the requirements of section 6103(p)(4) of the Code or regulations or published procedures thereunder, the IRS may take such actions as are deemed necessary to ensure that such requirements are or will be satisfied, including suspension of disclosures of return information otherwise authorized by section 6103(j)(5) and paragraph (b) of this section, until the IRS determines that such requirements have been or will be satisfied.

(d) *Effective date.* This section is applicable from January 4, 2000, through January 3, 2003.

Robert Wenzel,

Acting Commissioner of Internal Revenue.

Approved: December 13, 1999.

Jonathan Talisman,

Acting Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 00–54 Filed 1–3–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC55

Update of Documents Incorporated by Reference

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: MMS is updating one document incorporated by reference and adding a new document incorporated by reference in regulations governing oil and gas and sulphur operations in the Outer Continental Shelf (OCS). The new editions of these documents incorporated by reference will ensure that lessees use the best available and safest technologies while operating in the OCS. The updated document, with Errata Change dated August 17, 1998, is the Second Edition of the American Petroleum Institute's (API) Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2 (API RP 500). The new document, with Errata Change dated August 17, 1998, is the First Edition of the API's Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2 (API RP 505).

DATES: This rule is effective February 3, 2000. The incorporation by reference of publications listed in the regulation is approved by the Director of the Federal Register as of February 3, 2000.

FOR FURTHER INFORMATION CONTACT: Fred Gray, Operations Analysis Branch, at (703) 787–1027.

SUPPLEMENTARY INFORMATION: On March 19, 1999, we published a Notice of Proposed Rulemaking (64 FR 13535), titled ''Update of Documents Incorporated by Reference,'' revising the table in 30 CFR 250.101(e); 250.403(b); 250.802(e)(4)(i); 250.803(b)(9)(i); 250.1628(b)(3) and (d)(4)(i); and 250.1629(b)(4)(i). Our 90-day comment period closed on June 17, 1999. We received four positive, supportive comments. This final rule amends the seven foregoing regulations. Please note that our final regulations revising 30 CFR 250, subpart A, relocated § 250.101(e) to 250.198(e) and § 250.403(b) to 250.114(a). This final rule reflects those changes.

We use standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry for establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows us to incorporate the provisions of technical standards into the regulations without increasing the volume of the Code of Federal Regulations (CFR). The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other properly issued regulation, then has the force and effect of law. We hold operators/lessees accountable for complying with the documents incorporated by reference in our regulations. After the effective date of this rule, 85 private sector consensus standards will be incorporated by reference into the offshore operating regulations.

The regulations found at 1 CFR part 51 govern how we and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the **Federal Register**. Agencies must also gain approval from the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the specific edition or specific edition and supplement or addendum cited in the regulations.

Comments on the Rule

We received comments from Noble Drilling Services, Inc.; Shell Offshore Inc. on behalf of itself and other affiliates of Shell Oil Company; Mahl & Associates, Inc.; and the International Association of Drilling Contractors. All commenters support the proposed rule incorporating by reference the two API documents.

Procedural Matters

This is a very simple rule. The rule's purpose is to update one document that is currently incorporated by reference in the regulations and to add one additional document incorporated by reference. The differences between the newer document and the older document are very minor. The minor differences between the newer and older document will not cause a significant economic effect on any entity (small or large). Similarly, the addition of the new document, API RP 505, will not have a significant effect on any entity (small or large). Therefore, this regulation's impact on the entire industry is minor.

Federalism (Executive Order (E.O. 13132)

According to E.O. 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State governments. This rule does not impose costs on States or localities. The rule simply addresses offshore structure design methods for lessee/operator consideration.

Takings Implication Assessment (E.O. 12630)

According to E.O. 12630, this rule does not have significant Takings Implications. A Takings Implication Assessment is not required.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under E.O. 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

The rule would have no significant economic impact because the documents do not contain any significant revisions that will cause lessees or operators to change their business practices. The documents will not require the retrofitting of any facilities. The documents may lead to minor changes in operating practices, but the associated costs will be very minor.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule simply grants lessee/operator additional flexibility when designing an offshore structure and will not affect any action of another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients, because the documents do not address or affect any of these programs, rights or obligations.

(4) This rule does not raise novel legal or policy issues. This is a very simple rule which only addresses ordinary operational decisions of the lessee/operator and does not affect legal or policy issues.

Civil Justice Reform (E.O. 12988)

According to E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Paperwork Reduction Act of 1995

There are no information collection requirements associated with this rule.

Regulatory Flexibility Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Small Business Administration (SBA) defines a small business as having:

- Annual revenues of $5 million or less for exploration service and field service companies.
- Fewer than 500 employees for drilling companies and for companies that extract oil, gas, or natural gas liquids.

We estimate that there is a total of 1,380 firms that drill oil and gas wells onshore and offshore under the Small Business Administration's Standard Industrial Classification (SIC) 1381, Drilling Oil and Gas Wells. Of these, approximately 130 companies are offshore lessees/operators, based on current estimates. According to SBA estimates, 39 companies qualify as large firms, leaving 91 companies qualified as small firms with fewer than 500 employees.

Incorporation of the new document into MMS regulations would allow the offshore structure to be designed and built using either offshore electrical location classification method. Thus, incorporation of the new document will not impose new cost on the offshore oil and gas industry and may provide beneficial flexibility. The Department also determined that the indirect effects of this rule on small entities that provide support for offshore activities are small (in effect zero).

Based on these reasons, this rule has no significant economic impact on the small entities.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more. The final rule will not cause any significant costs to lessees or operators. The only costs will be the purchase of the new documents and minor revisions to some operating procedures. The minor revisions to operating procedures may result in some minor costs or may actually result in minor costs savings.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The costs associated with this rule are either minor or may actually result in minor cost savings.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule simply grants lessee/operator additional flexibility when designing an offshore structure and will not have any adverse effects.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, and tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: November 22, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, MMS amends 30 CFR Part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331.

2. In § 250.198, in the table in paragraph (e), the entry for ''API RP 500'' is revised to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of document	Incorporated by reference at
* * * * *	*
API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, Second Edition, November 1997, API Stock No. C50002.	§ 250.114(a); § 250.802(e)(4)(i); § 250.803(b)(9)(i); § 250.1628(b)(3); (d)(4)(i); § 250.1629(b)(4)(i).
* * * * *	*

3. In § 250.198, the following document incorporated by reference is added to the Table in paragraph (e) in alphanumerical order.

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of document	Incorporated by reference at
* * * *	* *
API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, First Edition, November 1997, API Stock No. C50501.	§ 250.114(a); § 250.802(e)(4)(i); § 250.803(b)(9)(i); § 250.1628(b)(3); (d)(4)(i); § 250.1629(b)(4)(i).
* * * *	* *

4. In § 250.114, paragraph (a) is revised to read as follows:

§ 250.114 How must I install and operate electrical equipment?

* * * * *

(a) You must classify all areas according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2.

* * * * *

5. In § 250.802, paragraph (e)(4)(i) introductory text is revised to read as follows:

§ 250.802 Design, installation, and operation of surface production-safety systems.

* * * * *

(e) * * *

(4) * * *

(i) A plan for each platform deck outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, and outlining areas in which potential ignition sources, other than electrical, are to be installed. The area outlined will include the following information:

* * * * *

6. In § 250.803, the last sentence of paragraph (b)(9)(i) is revised to read as follows:

§ 250.803 Additional production system requirements.

* * * * *

(b) * * *

(9) * * *

(i) * * * A classified area is any area classified Class I, Group D, Division 1 or 2, following the guidelines of API RP 500, or any area classified Class I, Zone 0, Zone 1, or Zone 2, following the guidelines of API RP 505.

* * * * *

7. In § 250.1628, paragraphs (b)(3) and (d)(4)(i) are revised to read as follows:

§ 250.1628 Design, installation, and operation of production systems.

* * * * *

(b) * * *

(3) Electrical system information including a plan of each platform deck, outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, and outlining areas in which potential ignition sources are to be installed;

* * * * *

(d) * * *

(4) * * *

(i) A plan of each platform deck, outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Divisions 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, and outlining areas in which potential ignition sources are to be installed;

* * * * *

8. In § 250.1629, the last sentence of paragraph (b)(4)(i) is revised to read as follows:

§ 250.1629 Additional production and fuel gas system requirements.

* * * * *

(b) * * *

(4) * * *

(i) * * * A classified area is any area classified Class I, Group D, Division 1 or 2, following the guidelines of API RP 500, or any area classified Class I, Zone 0, Zone 1, or Zone 2, following the guidelines of API RP 505.

* * * * *

[FR Doc. 00–26 Filed 1–3–00; 8:45 am]

BILLING CODE 4310–MR–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–74; RM–9367 and RM–9715]

Radio Broadcasting Services; Bay Springs and Sandersville, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants the request of Blakeney Communications, Inc., licensee of Station WKZW(FM), Channel 232C2, Bay Springs, Mississippi, to reallot Channel 232C2 to Sandersville, Mississippi and modify its authorization accordingly. The new allotment to Sandersville is preferred over the existing allotment at Bay Springs because it will provide a first local transmission service to Sandersville. The transmitter site of Station WKZW will be located at coordinates 31–46–05 NL and 89–07–55 WL. This document terminates the proceeding.

EFFECTIVE DATE: January 24, 2000.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–74, adopted December 9, 1999, and released December 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows: 47 U.S.C. 154, 303, 334, 336.

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Sandersville, Channel 232C2, and removing Channel 232C2 from Bay Springs.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–89 Filed 1–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 99–2811; MM Docket No. 99–145; RM–9336]

Radio Broadcasting Services; Mishicot, WI and Gulliver, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 234C3 for Channel 234A at Mishicot, Wisconsin, and modifies the license for Station WGBM accordingly in response to a petition filed by Bay-Lakes-Valley Broadcasters, Inc. *See* 64 FR 26720, May 17, 1999. The coordinates for Channel 234C3 at Mishicot are 44–22–48 NL and 87–36–58 WL. Canadian concurrence has been received for the allotment at Mishicot. To accommodate the upgrade at Mishicot, we shall also substitute Chanel 273C1 for Channel 234C1 at Gulliver, Michigan and modify the license for Station WCMM–FM to specify the new channel. The coordinates for Channel 273C1 at Gulliver are 45–58–01 NL and 86–29–18 WL. With this action, this proceeding is terminated.

DATES: Effective January 31, 2000.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–145, adopted December 8, 1999, and released December 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 234C1 and adding Channel 273C1 at Gulliver.

3. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 234A and adding Channel 234C3 at Mishicot.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–88 Filed 1–3–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 1

[Docket No. OST–2000–6681]

Organization and Delegation of Powers and Duties; Delegation to the Administrator, Federal Motor Carrier Safety Administration

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: A new administration, the Federal Motor Carrier Safety Administration, was established within the United States Department of Transportation pursuant to the Motor Carrier Safety Improvement Act of 1999 [Public Law No. 106–159, 113 Stat. 1748 (December 9, 1999)]. Pursuant to the statute, the effective date of the new administration is January 1, 2000. Accordingly, by this action, the Secretary delegates to the Administrator, Federal Motor Carrier Safety Administration, functions required for the operation of this new agency.

EFFECTIVE DATE: This final rule is effective on January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Research and Standards, HMCS–10, (202) 366–4009, Federal Motor Carrier Safety Administration; or Mr. Charles Medalen, Chief Counsel Service Business Unit, HCC–20, (202) 366–1354, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The Motor Carrier Safety Improvement Act of 1999 [Public Law No. 106–159, 113 Stat. 1748 (December 9, 1999)] amends title 49, United States Code, establishing the Federal Motor Carrier Safety Administration. There are certain functions that each modal administrator within the Department of

Transportation is responsible for carrying out. This rule amends 49 CFR part 1 to reflect the Secretary's delegation of authority to the Administrator, Federal Motor Carrier Safety Administration. It should be noted, however, that section 101(f) of the Motor Carrier Safety Improvement Act of 1999 gives the Secretary discretion to delegate the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture. The Secretary reserves this authority to himself until further notice.

The Administrator, Federal Motor Carrier Safety Administration, has the authority to redelegate the functions described in this document if not inconsistent with statute, departmental regulations, policies, and orders governing delegation of functions.

As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). This action makes no substantive changes to the motor carrier safety regulations. It simply amends 49 CFR Part 1 to delegate to the Federal Motor Carrier Safety Administrator authorities relevant to motor carrier safety. Therefore, prior notice and opportunity to comment are unnecessary, and good cause exists to dispense with the 30-day delay in the effective date requirement so that the Federal Motor Carrier Safety Administration may operate pursuant to the changes noted above beginning January 1, 2000.

Ministerial amendments to a number of other parts in title 49 of the Code of Federal Regulations that pertain to functions of the new Administration will be issued in the near future.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

Issued this 29th day of December, 1999 at Washington, DC.

Rodney E. Slater,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department of Transportation amends 49 CFR Part 1 as follows:

PART 1—[AMENDED]

1. Revise the authority citation for Part 1 to read as follows:

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101–552, 104 Stat. 2736; Pub. L. No. 106–159, 113 Stat. 1748.

2. In § 1.2, add paragraph (k) to read as follows:

§ 1.2 Definitions.

* * * * *

(k) The Federal Motor Carrier Safety Administrator.

3. In § 1.3(b), add paragraph (b)(11) to read as follows:

§ 1.3 Organization of the Department.

* * * * *

(b) * * *

(11) The Federal Motor Carrier Safety Administration, headed by the Administrator.

4. In § 1.4, add paragraph (m) to read as follows:

§ 1.4 General Responsibilities.

* * * * *

(b) * * *

(m) *The Federal Motor Carrier Safety Administration.* Is responsible for:

(1) Managing program and regulatory activities, including administering laws and promulgating and enforcing regulations on safety matters relating to motor carrier safety;

(2) Carrying out motor carrier registration and authority to regulate household goods transportation;

(3) Developing strategies for improving commercial motor vehicle, operator, and carrier safety;

(4) Inspecting records and equipment of commercial motor carriers, and investigating accidents and reporting violations of motor carrier safety regulations; and

(5) Carrying out research, development, and technology transfer activities to promote safety of operation and equipment of motor vehicles for the motor carrier transportation program.

5. In § 1.45(c)(1), amend paragraph (c)(1) (vii) by removing the word ''and''; amend paragraph (c)(1) (viii) by replacing the period with ''; and''; and add paragraph (c)(1) (ix) to read as follows:

§ 1.45 Delegations to all Administrators.

* * * * *

(c) * * *

(1) * * *

(ix) Federal Motor Carrier Safety Administration.

* * * * *

6. Amend 1.73 as follows:

a. Revise the heading to read as set forth below.

b. Revise the introductory text to read as set forth below.

c. Amend paragraph (g) by adding before the period '', except for the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture''.

d. Amend paragraph (l) by adding before the period '', except for the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture''.

e. Add paragraph (o) to read as set forth below.

§ 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.

The Administrator of the Federal Motor Carrier Safety Admnistration is delegated authority to:

* * * * *

(o) Carry out the functions and exercise the authority vested in the Secretary by 23 U.S.C. 502(a)(1)(A).

[FR Doc. 99–34069 Filed 12–30–99; 11:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 991223347–9347–01; I.D. 120299C]

RIN 0648–AM21

Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule; 2000 groundfish fishery specifications and management measures; request for comments.

SUMMARY: NMFS announces the 2000 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP). The specifications include the levels of the acceptable biological catch (ABC) and optimum yields (OYs), including the distribution between domestic and foreign fishing operations. The commercial OYs (the OYs reduced by amounts expected to be taken in tribal, recreational, and compensation fisheries) are allocated between the limited entry and open access fisheries.

The management measures for 2000 are designed to keep landings within the OYs for those species for which there are OYs and to achieve the goals and objectives of the FMP, consistent with the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the implementing national guidelines published in the **Federal Register** on May 1, 1998. The intended effect of these actions is to prevent overfishing and rebuild Pacific Coast groundfish stocks that are overfished and, for healthier stocks, to establish allowable harvest levels and implement management measures designed to achieve as much of those harvest levels as possible, while achieving the conservation requirements of the Magnuson-Stevens Act.

DATES: Effective 0001 hours (local time) January 1, 2000, until the 2001 annual specifications and management measures are effective, unless modified, superseded, or rescinded. The 2001 annual specifications and management measures will be published in the **Federal Register**. The emergency rule portion of this document is effective until July 3, 2000, and NMFS expects to extend it for an additional 180 days. Comments must be received no later than 5:00 p.m, local time, on February 3, 2000.

ADDRESSES: Written comments on these actions must be mailed to Mr. William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115–0070, or faxed to 206–526–6736; or Mr. Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, or faxed to 562–980–4047. Comments will not be accepted if submitted via e-mail or Internet. Information relevant to these specifications and management measures, which include an environmental assessment (EA) and the stock assessment and fishery evaluation (SAFE) report, has been compiled in aggregate form and is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201, phone: 503–326–6352. Additional reports referred to in this document may also be obtained from the Council.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Robinson (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; e-mail: bill.robinson@noaa.gov or Mr. Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; e-mail: svein.fougner@noaa.gov.

Electronic Access

This **Federal Register** rule also is accessible via the Internet at the Office of the Federal Register's website at http://www.access.gpo.gov/su—docs/aces/aces140.html.

SUPPLEMENTARY INFORMATION: The FMP requires that fishery specifications for groundfish be evaluated each calendar year, that OYs be specified for species or species groups in need of additional protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Act and the FMP require that actions be implemented to prevent overfishing and to rebuild overfished stocks. This action announces and makes effective the final 2000 fishery specifications and the management measures designed to rebuild overfished stocks, prevent overfishing, and achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP. These final specifications and management measures were considered by the Council at two meetings and were recommended to NMFS by the Council at its November 1999 meeting in Sacramento, CA. In addition to the annual specifications, this document incorporates an emergency rule that is needed to implement the first year of rebuilding plans, to protect other depleted stocks, and to prevent overfishing, as authorized by section 304(c) of the Magnuson-Stevens Act.

I. Final Specifications

The fishery specifications include ABCs, the designation of OYs, which may be represented by harvest guidelines (HGs) or quotas for species that need individual management, the apportionment of the OYs between domestic and foreign fisheries, and allocation of the commercial OYs between the open access and limited entry segments of the domestic fishery. As in the past, these specifications include fish caught in state ocean waters (0–3 nautical miles (nm) offshore) as well as fish caught in the EEZ (3–200 nm offshore). The OYs and ABCs recommended by the Council and announced in this document are consistent with the Magnuson-Stevens Act, the groundfish FMP, as amended, and the rebuilding plans adopted by the Council to submit for NMFS approval by March 2000.

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Table 1a. 2000 Specifications of Acceptable Biological Catch (ABC), Optimum Yields (OYs), and Limited Entry and Open Access Allocations, by International North Pacific Fisheries Commission (INPFC) areas (in metric tons)

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch)	Allocations (total catch HGs)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch ABC			Limited Entry		Open Access	
									mt	%	mt	%
ROUNDFISH:												
Lingcod a/b/	450		250			700	378	163	132	81	31	19.0
Pacific cod	3,200					3,200	na	3,200	--	--	--	--
Pacific whiting a/d/	232,000					232,000	232,000	199,500	--	--	--	--
Sablefish e/ (north of 36°)	9,692				--	9,692	7,919	6,385	5,785	90.6	600.2	9.4
(south of 36°)	--				472	472	472	472	--	--	--	--
FLATFISH:												
Dover sole f/	8,373				1,053	9,426	9,426	9,405	--	--	--	--
English sole	2,000		1,100			3,100	na	--	-	-	--	-
Petrale sole g/	1,450		500	800	200	2,950	na	-	-	--	-	-

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch)	Allocations (total catch HGs)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch ABC			Limited Entry		Open Access	
									mt	%	mt	%
Arrowtooth flounder	5,800					5,800	na	-	-	--	-	-
Other flatfish	700	3,000	1,700	1,800	500	7,700	na	-	-	--	--	-
ROCKFISH:												
Pacific ocean perch h/	713			--		713	270	270	--	--	--	--
Shortbelly i/	13,900					13,900	13,900	13,900	--	--	--	--
Widow j/	5,750					5,750	4,333	4,282	4,154	97.0	128	3.0
Canary k/	287					287	200	120	105	87.7	15	12.3
Chilipepper l/	c/			3,681		3,681	2,000	1,955	1,089	55.7	866	44.3
Bocaccio m/	c/			164		164	100	55	31	55.7	24	44.3
Splitnose n/	c/			820		820	615	615	--	--	--	--
Yellowtail a,o/	3,539			c/		3,539	3,539	3,449	3,163	91.7	286	8.3
Shortspine thornyhead -- north of 36° p,q/	1,261				--	1,261	970	960	957	99.7	3	0.3
--south of 36° q/	--				175 -	175	175	175	--	--	--	--
Longspine thorny-head--north of 36° p, r/	4,102				--	4,102	4,102	4,099	--	--	--	--
--south of 36° r/	--				429 -	429	429	429	--	--	--	--
Cowcod s/	c/			19	5	24	<5	<5	--	--	--	-

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Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch)	Allocations (total catch HGs)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch ABC			Limited Entry		Open Access	
									mt	%	mt	%
Minor Rockfish-North t/	5,693		--			5,693	3,814	3,048	2,795	91.7	253	8.3
Minor Rockfish-South u/	--		3,457			3,457	1,899	1,328	740	55.7	588	44.3
bank	c/		81			81	--	--	--	--	--	--
black v/	1,200		c/			1,200	--	--	--	--	--	--
blackgill w/	c/		440			440	--	--	--	--	--	--
bocaccio-North	424		c/			424	--	--	--	--	--	--
chilipepper-North	43		c/			43	--	--	--	--	--	--
darkblotched	237		19			256	--	--	--	--	--	--
redstripe	768		c/			768	--	--	--	--	--	--
sharpchin	409		60			469	--	--	--	--	--	--
silvergrey	51		c/			51	--	--	--	--	--	--
splitnose	322		c/			322	--	--	--	--	--	--
yelloweye	39		c/			39	--	--	--	--	--	--
yellowmouth	132		c/			132	--	--	--	--	--	--
yellowtail-South	--		155			155	--	--	--	--	--	--
Other rockfish x/	2,068		2,702			--	--	--	--	--	--	--
OTHER FISH y/	2,500	7,000	1,200	2,000	2,000	14,700	--	--	--	--	--	--

Table 1b. OYs and Harvest Guidelines for Minor Rockfish

Species	Total Catch ABC	OY (total catch)			Allocations (total catch HGs)			
		Total catch OY	Recreational estimate	Commercial OY for minor rockfish and HG for depth subgroups	Limited Entry		Open Access	
					mt	%	mt	%
Minor Rockfish North t/	5,693	3,814	766	3,048	2,795	91.7	253	8.3
Nearshore		1,072	707	365	172	na	193	na
Shelf		1,242	59	1,183	1,133	na	50	na
Slope		1,500	0	1,500	1,490	na	10	na
Minor Rockfish South u/	3,457	1,899	571	1,328	740	55.7	588	44.3
Nearshore		680	379	301	68	na	233	na
Shelf		787	192	595	337	na	258	na
Slope		432	0	432	335	na	97	na

[a] U.S. Vancouver only, even if stock assessments included parts of Canadian waters.

[b] Lingcod. The ABC is based on a 1997 assessment that covered the Vancouver and Columbia areas, and a 1999 assessment that covered the Eureka, Monterey, and Conception areas. Lingcod is believed to be at 10 percent of its unfished biomass. The rebuilding analysis calculates the probability that the northern (Vancouver-Columbia) stock would rebuild within 10 years, and is based on a 60% probability of doing so. The total catch OY of 378 mt is reduced by 215 mt estimated to be taken by the recreational fishery, resulting in a commercial OY of 163 mt. No discards are assumed.

[c] Other. These species are not common nor important in the areas footnoted. Accordingly, for convenience, Pacific cod is included in the ''other fish'' category for the areas footnoted, and rockfish species are included in the ''minor rockfish'' category for the areas footnoted only.

[d] Whiting. Whiting is believed to be at 37% of its unfished biomass. The US-Canada average ABC of 310,000 mt for 1999–2000 is reduced to 290,000 mt following application of the 40–10 default harvest policy, and is based on an MSY proxy of F40%. As in 1999, the total catch OY for whiting is 80% of the average US-Canada of 290,000 mt. The commercial OY for whiting is 199,500 mt (the 232,000-mt OY minus the 32,500-mt tribal allocation), and is allocated 42 percent to the shore-based sector, 24 percent to the mothership sector, and 34 percent to catcher/processors. A landed equivalent is not presented. Discards of whiting are counted toward the OY inseason based on observed amounts.

[e] Sablefish. North of 36° N. lat.—Sablefish is believed to be at 37% of its unfished biomass. The 9,692-mt ABC, based on F35%, is the same as in 1999. The total catch OY of 7,919 mt also is the same as in 1999, based on F35% and application of the 40–10 default harvest policy. The 7,919-mt OY is reduced by 10 percent (791 mt) for estimated trip-limit induced discards, by another 10 percent (713 mt) for the tribal set aside, and reduced by 29 mt as compensation for vessels conducting resource surveys. The remainder is the 7,177 is the commercial OY. The open access allocation percentage of 9.4% is applied to the commercial OY, to result in a landed catch open access allocation of 600 mt, and a limited entry allocation of 5,785 mt. The limited entry allocation is further allocated 58% (3,355 mt) for the trawl fishery and 42% (2,430 mt) for the nontrawl fishery. The limited entry and open access allocations for sablefish are in terms of landed catch because the discard estimate was subtracted ''off the top'' before the allocation percentages were applied; this differs from all other limited entry and open access allocations that are expressed as total catch. South of 36° N. lat.—The ABC and OY are based on historical landings in the Conception area of 425 mt. Ten percent (47 mt) of the total catch of 472 mt is assumed to be discarded.

[f] Dover sole. The 1997 assessment evaluated the resource north of 36 N. lat. as a unit, and provided an ABC for landed catch based on the F35% harvest rate. The Conception area ABC is at the level established in the original FMP. The ABCs in Table 1a represent total catch, and were converted by estimating that 5 percent of the total catch is discarded. Therefore, the coastwide ABC and OY for Dover sole of 9,426 mt are for total catch, with a landed catch equivalent of 8,955 mt. The OY is reduced by 21 mt as compensation for vessels that conducted resource surveys, resulting in a commercial OY of 9,405 mt.

[g] Petrale sole. Petrale sole is believed to be at 42% of its unfished level, and stock size has been increasing. The 1999 assessment calculates the ABC for the Vancouver and Columbia areas at 1,447 mt, which is rounded to 1,450 mt. The coastwide ABC of 2,950 mt is the sum of the areas.

[h] Pacific ocean perch (POP). POP is at 13% of its unfished level and therefore is overfished. The ABC in the Vancouver, Columbia, and Eureka areas is based on the 1998 assessment for Vancouver and Columbia (695 mt) plus 18 mt for the Eureka area. The 270-mt OY is based on calculations for the first year of the rebuilding program that is designed to rebuild POP to MSY levels within 34 years. It is assumed that 16 percent of the catch will be discarded; therefore, the total catch OY of 270 mt is reduced by 43 mt

of estimated discards, to derive the landed catch equivalent of 227 mt.

[i] Shortbelly rockfish. Shortbelly rockfish remains a virtually unexploited stock and is difficult to assess quantitatively. The 1989 assessment provided 2 alterative yield calculations of 13,900 mt and 47,000 mt. NMFS surveys indicate poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population in spite of low fishing pressure. The ABC and OY therefore are reduced to 13,900 mt, the low end of the range in the assessment.

[j] Widow rockfish. Widow rockfish is believed to be at 29% of its unfished biomass. The ABC of 5,750 mt, based on the F40% MSY proxy, is unchanged from 1999. The total catch OY of 4,333 mt is more conservatively based on F45% and the 40–10 harvest policy. The OY is reduced by 51 mt of estimated recreational catch to derive the commercial OY of 4,282 mt. The open access allocation (128 mt) is determined by applying the open access percentage to the commercial OY. The limited entry allocation (4,154 mt) is determined by subtracting the open access allocation from the commercial OY. The limited entry allocation is further reduced by 300 mt for anticipated bycatch in the offshore whiting fishery, and the remainder (3,854 mt) is reduced by 16% (617 mt) to account for trip limit induced discards, resulting in a landed catch equivalent for the limited entry fishery of 3,237 mt (excluding harvest in the whiting fishery).

[k] Canary rockfish. Two canary rockfish assessments addressed the northern and southern portions of the stock. The combined results resulted in a biomass range estimated to be between 7% of the unfished biomass in the south to 20% of the unfished biomass in the north. Canary rockfish therefore is overfished. The coastwide ABC (287 mt) is based on the upper end of each assessment, using the Fmsy proxy of F40%. The coastwide OY is 200 mt, based on the northern assessment. The OY is higher than the default harvest policy would indicate, in recognition of small amounts of unavoidable bycatch, even with the management measures implemented in 2000 that will drastically reduce effort throughout the continental shelf. The OY is lower than ABC and therefore is not overfishing. Recreational fisheries are expected to take 80 mt of the OY in 2000. The 1999 OY applied only to the Vancouver and Columbia areas, but the OY for 2000 is coastwide. Landings have been about 1,100 mt in recent years. A rebuilding plan will be required in 2001.

[l] Chilipepper. In 1999, the 3,724-mt ABC and OY included 43 mt for the Eureka area, which is moved to the northern ''minor rockfish'' category in 2000. The 2000 ABC of 3,681 mt for the Monterey and Conception areas is based on the 1998 assessment and application of the F40% harvest rate. The stock is estimated to be above 40% of it unfished biomass so the default OY normally would equal ABC. However, the OY is set at 2,000 mt, near the recent average landed catch, to discourage effort on chilipepper which is known to have bycatch of bocaccio. The OY is reduced by 45 mt estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,955 mt. The open access percentage is applied to the commercial OY to determine the open access allocations of 915 mt. The open access allocation then is subtracted from the commercial OY to determine the limited entry allocation. No discard amount is assumed.

[m] Bocaccio. Bocaccio is believed to be at 2% of its unfished biomass and therefore is overfished. The 164-mt ABC is based on F40% and the 100-mt OY is based on the rebuilding analysis designed to rebuild the stock to MSY in 38 years. The OY is reduced by 55 mt for estimated recreational harvest to derive the 55-mt commercial OY. No discards of bocaccio are assumed within this OY.

[n] Splitnose rockfish (often called ''rosefish''). A separate OY of 868 mt was established for the Eureka, Monterey, and Conception area in 1999, equal to ABC. For 2000, the southern ABC applies only to the Conception and Monterey areas. Accordingly, the southern ABC of 830 mt is derived by subtracting 48 mt for the Eureka area, and the northern ABC is increased by 48 mt. The northern ABC is 322 mt (from 274 mt in 1999). The 615-mt OY for the southern area reflects a 25% precautionary adjustment because of the less rigorous assessment for this stock. In the north, splitnose is included in the minor rockfish OY.

[o] Yellowtail. The ABC of 3,539 mt applies to the U.S. Vancouver, Columbia, and Eureka areas. The stock is estimated to be at 39% of its unfished biomass. The OY is based on F40% and application of the 40–10 harvest policy. The 3,539-mt OY is reduced by 90 mt estimated to be taken in the recreational fishery, to derive a commercial OY of 3,449 mt. The open access allocation is derived by applying the open access percentage to the commercial OY. The limited entry allocation is determined by subtracting the open access allocation from the commercial OY. The landed catch equivalent of 2,057 mt for the 3,163-mt limited entry allocation is derived by subtracting 16% (506 mt) for discards and 600 mt for expected catch in the at-sea whiting fishery.

[p] Thornyheads. The treaty tribes estimate that 8,000–10,000 lb (about 3–4 mt) of thornyheads will be taken in 2000 under a tribal trip limit of 300 lb per trip. This small amount is not subtracted from either of the thornyhead HGs at this time.

[q] Shortspine thornyheads. Shortspine thornyhead is estimated to be at 32% of its unfished level. The ABC (1,261 mt) for the area north of 36° N. lat. (Vancouver through Monterey areas) is the same as in 1999, calculated based on a synthesis of two stock assessments prepared in 1998 and application of the F35% harvest rate. The 970-mt OY is based on F40% and the 40–10 harvest policy. The 960-mt commercial OY is determined by subtracting 10 mt used as compensation for vessels conducting resource surveys. The limited entry allocation of 957 mt is reduced by 30% (287 mt) for estimated discards to derive the landed catch equivalent of 670 mt. A separate ABC and OY of 175 mt (based on historical) catch have been established for the part of the Conception area north of Point Conception (34°27′ N. lat.). Assuming the same 30% discard rate as the northern area, the landed equivalent for the southern OY would be 122 mt. There is no ABC or OY for the southern Conception area.

[r] Longspine thornyheads. The ABC (4,102 mt) north of the Conception area is the same as in 1999, based on the average of the 3-year individual ABCs at F35%. The stock is estimated to be above the 40% of its unfished biomass. The 4,099-mt commercial OY is determined by subtracting 3 mt used as compensation for vessels conducting resource surveys. There are no separate limited entry and open access allocations. The commercial OY is reduced by 9% 205 mt) to derive the landed catch equivalent of 3,894 mt. A separate ABC and OY (429 mt) (based on historical) catch have been established for the part of the Conception area north of Point Conception (34°27′ N. lat.). Assuming the same 9% discard rate as the northern area, the landed equivalent for the southern OY would be 390 mt.

[s] Cowcod. The 1999 assessment of the Conception area indicates this stock is overfished, with abundance below 10% for the unfished biomass. The ABC in the Conception area is 5 mt, based on the assessment, and 19 mt in Monterey, based on average landings from 1983–1997). The OY for the Monterey and Conception areas combined is no more than 5 mt in 2000.

[t] Minor rockfish—north. This new category includes the ''remaining rockfish'' and ''other rockfish'' categories in the U.S. Vancouver, Columbia, and Eureka areas combined. The species that are listed individually would have been ''remaining rockfish'' which generally includes species that have been assessed by less rigorous methods than stock assessment, except for black rockfish. The ''other rockfish'' category includes species that do not have quantifiable assessments. The total catch OY is the sum of 75% of the listed species (formerly ''remaining rockfish'') and 50% of the summed ABCs for other rockfish, with the following exceptions: the 43 mt ABC for northern chilipepper and 700 mt of the black rockfish ABC are not reduced, and the remaining 500 mt of the black rockfish OY is discounted by 50%. The reductions in the contribution of the ABCs toward OY is intended to address uncertainty in stock status due to limited information.

[u] Minor rockfish—south. This new category includes the ''remaining rockfish'' and ''other rockfish'' categories in the Monterey and Conception areas combined. The species that are listed individually would have been ''remaining rockfish'' which generally includes species that have been assessed by less rigorous methods than stock assessment. The ABC is the sum of the individual species' ABCs in the two areas. The total catch OY is the sum of 75% of the ABCs for the listed species (formerly ''remaining rockfish'') and 50% of the ''other rockfish'' ABC. The reductions in the contribution of the ABCs toward OY is intended to address uncertainty in stock status due to limited information.

[v] Black rockfish. The ABC includes 700 mt for the assessment area plus 500 mt average catch in the unassessed area. This stock contributes 950 mt towards the minor rockfish OY in the north—700 mt for the

assessed area, and half (250 mt) for the unassessed area. The 50% reduction is precautionary, consistent with other recommendations.

[w] Blackgill rockfish. The 1998 stock assessment estimates the Conception area stock to be at about 51% of unfished biomass with 365 mt as the ABC based on F40%. An additional 75 mt was added for the Monterey area, for a total ABC of 440 mt. If annual landings reach 300 mt, the Council will consider the need for further management and/or a stock assessment.

[x] Other rockfish. This group includes rockfish species listed in 50 CFR 660.302, including California scorpionfish. The ABC is based on the 1996 review of commercial Sebastes landings and includes an estimate of recreational landings. These species have never been quantifiably assessed.

[y] Other fish. This group includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in c/.

ABC Policy/Overfishing

Under the Magnuson-Stevens Act, the FMP must prevent overfishing, which is defined in the National Standard Guidelines (63 FR 24212, May 1, 1998) as exceeding the fishing mortality rate needed to produce the maximum sustainable yield (Fmsy). In 2000 as in 1999, the Council continued its use of default exploitation rates as a proxy for Fmsy (and thus for ABC). Therefore the 2000 ABCs are set at the maximum sustainable yield (MSY) proxy. The OYs are set equal to or less than the ABCs which is expected to prevent overfishing.

In 2000 as in 1999, in most cases, the default Fmsy proxy used for setting the ABCs was F40% for most rockfish and F35% for other groundfish species. (The thornyhead ABCs were based on F35%, although they are included as rockfish in the definitions at 50 CFR 660.302. Further adjustments were made in setting the OYs for some species; the OY for shortspine thornyhead was more conservatively set using F40% and for widow rockfish using F45%.) ''F40%'' means the fishing mortality rate that reduces the spawning potential per recruit to 40 percent of the unfished condition. For faster growing stocks, or stocks with quicker recruitment, a higher fishing mortality rate may be used, such as F35%, which reduces the spawning potential to 35 percent of the unfished condition, and therefore means higher catches than F40%. Under this policy, MSY is a constant fishing mortality rate (i.e., exploitation rate) that is a limit. In other words, a constant fraction of the stock may be harvested each year. The ABC for a species generally is derived by multiplying the exploitation rate (F40% or F35%) times the current biomass estimate.

Figure 1, in the following section of the preamble, on the default OY policy illustrates the relationship between current biomass levels and recommended catch. The default exploitation rate (e.g., F35%, F40%) is represented by the line labeled ''ABC.'' ABC is graphically determined by, first, finding the current biomass level on the horizontal axis, second, finding the corresponding point on the line labeled ABC, and, third, reading the corresponding catch off the vertical axis.

The 2000 ABCs, which are based on the best available scientific information, represent the total fishing mortality (in most cases synonymous with total catch). Stock assessment information considered in determining the ABCs is available from the Council and was made available to the public before the Council's November 1999 meeting as stock assessment documents and reports, which are compiled into the Council's SAFE document (see **ADDRESSES**). Additional information is found in the EA prepared by the Council for this action, the SAFE document for the 2000 specifications, and in documents available at the September and November 1999 Council meetings. ABCs are expressed as total catch (landings plus discards) and apply only to U.S. waters even if the assessments included Canadian waters.

The Council's Scientific and Statistical Committee will convene a meeting in early 2000 to reevaluate the appropriate Fmsy proxies for the individual groundfish species. A number of stock assessment scientists have independently concluded that west coast groundfish stocks are not as productive or resilient to overfishing as previously thought to be, but the specific new Fmsy rates for the individual species have not yet been determined. It is likely that the Fmsy proxies and the resultant ABCs and OYs will be reduced for a number of groundfish species in 2001 based on this scientific review. In the interim, transitional adjustments were made to the OYs for shortspine thornyhead and widow rockfish in 2000.

Default OY Policy

In 1999, the Council adopted a new, precautionary policy for establishing OY, which is intended to prevent species from becoming overfished (See Figure 1).

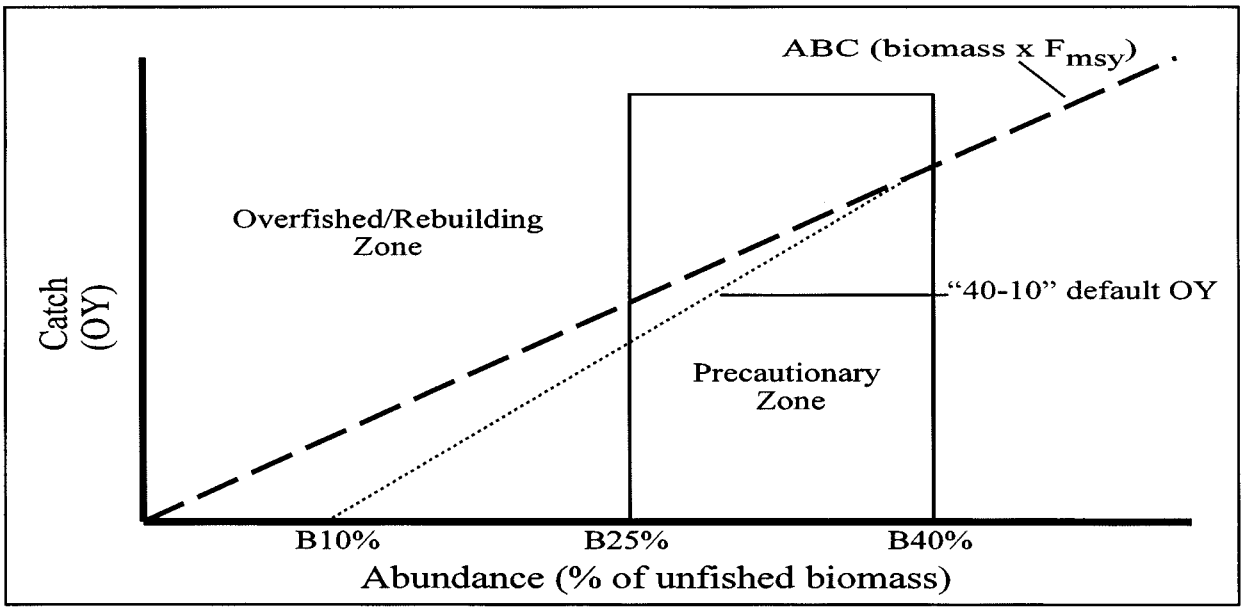

Figure 1. Illustration of default OY rule compared to ABC.

According to this policy, if the stock biomass is larger than the MSY biomass (Bmsy, i.e. B40% in Figure 1), the OY may be set equal to or less than ABC. If the stock biomass is believed to be equal to or smaller than Bmsy, a precautionary OY threshold is established at the MSY biomass size. A stock whose current biomass is between 25 percent of the unfished level and the precautionary threshold is said to be in the ''precautionary zone.'' The Council's default OY harvest policy (represented by the line labeled ''40–10 default OY'' in Figure 1) reduces the exploitation rate when a stock is at or below its precautionary threshold. The farther the stock is below the precautionary threshold, the greater the reduction in OY will be relative to the ABC, until, at B10 percent, the OY would be set at zero. This is, in effect, a default rebuilding policy that will foster quicker return to the Bmsy level than would fishing at the ABC level. However, the Council may recommend setting the OY higher than the default OY harvest policy specifies, if justified and as long as the OY does not exceed the ABC (Fmsy) harvest rate and is consistent with the requirements of the Magnuson-Stevens Act and the NOAA National Standard Guidelines. Additional precaution may be added on a case-by-case basis at any level of current biomass and may be warranted by uncertainty in the data or by higher risks of being overfished.

If a stock falls below 25 percent of its unfished biomass (B25 percent), it is considered overfished, and the Council is required to develop a formal rebuilding plan within the following year.

2000 ABCs and OYs

The species that had ABCs and OYs in 1999 continue to have ABCs and OYs in 2000. New ABCs were developed for cowcod and black rockfish; the canary ABC is applied coastwide (formerly it applied only to the Vancouver and Columbia areas); the POP ABC is expanded to include the Eureka area; and chilipepper was added to the minor rockfish category north of 40°10′ N. lat.

OYs for POP, bocaccio, and lingcod have been set to be consistent with the first year of rebuilding plans for those species, and canary and cowcod OYs are set at extremely low levels in anticipation of rebuilding plans that will be required in 2001. The chilipepper OY is reduced almost in half to reduce associated harvest of bocaccio, which is overfished. As a result of the constraining management measures imposed to protect and rebuild overfished species, a number of the OYs may not be achieved in 2000, particularly for those shelf rockfish species that are not overfished but that are caught with species that are overfished. There is no way to forecast what the actual catch of these relatively healthy species will be, and to lower the OYs for these species could unnecessarily constrain the fishery, particularly when midwater trawl opportunities are available that result in lower bycatch of overfished species.

Three changes have been made to the ABCs and OYs since 1999 that incorporate the results of new stock assessments and reorganize species for the management purposes of better protecting depleted stocks and minimizing the chance of overfishing: (1) The assessment areas have been modified in 2000 such that the ABCs and OYs apply to areas north and south of 40°30′ N. lat. that are better aligned with the trip limit areas (that apply north and south of 40°10′ N. lat.). In 1999, the ABCs and OYs were divided into northern and southern components at approximately 43°00′ N. lat. (the Columbia/Eureka area border), whereas the trip limits differed north and south of 40°30′ N. lat. (approximately Cape Mendocino, CA). (2) The rockfish species have been reorganized. The term ''*Sebastes* complex,'' which once applied to rockfish species that were caught together, no longer is applicable and so is not used in 2000. Instead, ABCs and OYs are calculated individually for each rockfish species, where possible. The remaining species, called ''minor rockfish,'' include the ''remaining rockfish'' and ''other rockfish'' species, formerly in the *Sebastes* complex. The minor rockfish species, which have rudimentary or no assessments, are divided into nearshore, shelf, and slope categories, that represent where they are predominantly caught. (See Table 2.) Inseason management actions will be taken to achieve the harvest guidelines for nearshore, shelf, and slope minor rockfish species, north and south of 40°10′ N. lat., so that disproportionate harvest of some species does not occur. (3) Jack mackerel (north of 39° N. lat.) was removed from the FMP by

Amendment 11 and will be managed under the Coastal Pelagic Species Fishery Management Plan.

In 2000, as in 1999, unless otherwise specified, OYs and allocations represent total catch, and, where possible, the expected landed catch equivalent is calculated. This approach provides greater management flexibility if new information becomes available inseason because managers will then be able to modify discard estimates and management measures inseason. (Allowable harvest levels were called ''harvest guidelines'' or ''HGs'' before 1999, but, since 1999, most have been called ''optimum yields'' or ''OYs.'' The new minor rockfish assemblages of nearshore, shelf, and slope are managed with harvest guidelines, which are the desired levels of harvest that management measures are designed to achieve.)

The derivation of the ABCs and OYs for the individual groundfish species are explained in detail in Council documents from their September 1999 and November 1999 meetings, in the Council's SAFE document (which includes the most recent stock assessments) and are summarized in this document, in Table 1a. Derivations of commercial OYs, limited entry and open access allocations, and landed catch equivalents appear in the footnotes to Table 1a, listed at the end of Table 1b.

Determinations of Overfished, Approaching an Overfished Condition, and Overfishing

The status of the resource is evaluated using the standards in the Magnuson-Stevens Act, its national guidelines, and the FMP. The following determinations supersede those presented in the October 1999 report to Congress.

Overfished

A species is overfished if its current biomass is less than 25 percent of the unfished biomass level. (Usually the biomass is discussed in terms of spawning potential.) The Magnuson-Stevens Act requires that a rebuilding plan be prepared within a year after the Council is notified that the species is overfished. In March 1999, NMFS notified the Council that three species were overfished—lingcod, POP, and bocaccio. NMFS has subsequently determined that two additional species are overfished—canary rockfish and cowcod—and that rebuilding plans for these two species must be prepared within a year of notification to the Council. The Council is being notified concurrent with publication of this document.

Approaching an Overfished Condition

This condition applies to those species that currently are not overfished, but are expected to be overfished in 2 years. No additional species are approaching an overfished condition in 2 years, based on stock assessments completed since Amendment 11 was approved in March 1999.

Overfishing

None of the 2000 ABCs are knowingly set higher than Fmsy or its proxy; none of the OYs are set higher than the corresponding ABCs; and the management measures announced herein are designed to prevent overfishing by keeping harvest levels within the specified OYs.

After the 1998 fishing season was completed, NMFS determined that overfishing had occurred on four species of rockfish: canary rockfish off California, darkblotched, silvergrey, and bank rockfish. Because of this information, NMFS announced that overfishing could be occurring on these species in 1999, even though management measures had been implemented in 1999 with the intent of reducing the possibility of overfishing. Preliminary data for 1999 indicate that overfishing did not occur on bank rockfish or canary rockfish in the Eureka, Monterey, and Conception management areas, but that overfishing did occur on darkblotched, silvergrey, and yelloweye rockfish.

The commercial gear regulations, recreational bag limits, and other management measures imposed on shelf rockfish should eliminate overfishing of silvergrey and yelloweye rockfish in 2000. Similarly, the division of rockfish into slope, shelf, and nearshore strategies, with separate cumulative limits for each strategy, will reduce fishing opportunities on darkblotched rockfish and should prevent overfishing of this species in 2000.

Overfishing is difficult to detect inseason for many rockfish, particularly for minor rockfish species, because most are not individually identified on landing. Species compositions, based on proportions encountered in samples of landings, are applied during the year, but final results are not available until the end of the year. The determinations made herein may change as more data become available later in the year.

Rebuilding Programs

On March 3, 1999, NMFS notified the Council that three species (lingcod, bocaccio, and Pacific ocean perch (POP) were overfished and the Council had one year to submit rebuilding plans for these species, as required under the Magnuson-Stevens Act.

The Council's approved rebuilding plans for each of the 3 species and the ABCs, OYs, and management actions recommended for 2000 are consistent with the FMP and the first year of rebuilding in these plans. The Council has informed NMFS, and NMFS has agreed, that the rebuilding plans will be submitted to NMFS for approval after the first of the year, and an FMP amendment will be submitted to provide a framework process for developing future rebuilding plans. The multispecies exception at 50 CFR 600.310(d)(6) that authorizes overfishing under limited conditions is not being used. The draft rebuilding plans endorsed by the Council are summarized as follows:

Bocaccio

Areas: Monterey and Conception.

Status of stock: 2.1 percent of unfished biomass.

Maximum allowable years to rebuild to MSY: approximately 38 years, assuming median recruitment.

Probability of rebuilding to MSY biomass in 38 years: 67 percent.

Expected time to rebuild: 34 years.

Fmsy proxy: F40%.

ABC in 2000: 164 mt.

OY in 2000: 100 mt.

Management measures for 2000: Bottom trawl target opportunity for shelf rockfish is dramatically reduced. No landings of bocaccio are allowed with large footrope trawl gear (i.e. with rollers larger than 8 inches (20 cm) in diameter); small footrope bottom trawl gear may land small amounts that accommodate unavoidable bycatch; midwater trawl gear, which would have minimal bycatch of bocaccio is encouraged; the chilipepper OY is reduced almost in half due to potential bycatch of bocaccio; the commercial nontrawl gear fishery is closed 2 of the first 4 months of the year, trip limits are reduced, and set net limits are reduced to the same level as other open access nontrawl gear limits; recreational closures occur early in the year, bag limits are reduced from 15 to 10 rockfish, and a new 10-inch (25.4 cm) size limit is added for bocaccio. Additionally, bocaccio has a 3-fish sublimit. Management of bocaccio is particularly difficult because the large year class appearing in 1999 increases the need to curtail fishing effort, as bocaccio will be more available to the fishery in the next few years.

Lingcod

Areas: coastwide.

Status of stock: 10 percent of unfished biomass.

Maximum allowable years to rebuild to MSY: 10.

Probability of rebuilding to MSY biomass in 10 years: 60 percent.

Expected time to rebuild: 10 years.

Fmsy proxy: F35%.

ABC in 2000: 700 mt.

OY in 2000: 378 mt.

Management measures: In 2000, commercial landings of lingcod would be prohibited 6 months of the year (November-April), while protecting lingcod during their spawning and nesting seasons. The trip limit during the open season is designed to achieve the limited entry and open access allocations and is much lower for the limited entry trawl fishery in 2000. The size limit for lingcod is increased for fixed gear and recreational fisheries south of 40°10′ N. lat. A maximum size limit is imposed in the recreational fishery off Oregon, and a new 2-fish per day bag limit is imposed off California. The recreational fishery for lingcod is closed 4 months off Washington, remains open in Oregon and California north of 40°10′ N. lat., and is closed 2 of the first 4 months of the year south of 40°10′ N. lat. The varying seasons, bag limits, and size limits for each state were recommended to best fit the needs of the recreational fisheries of each State, while meeting the required conservation burden. Lingcod are found predominantly on the continental shelf, and gear restrictions imposed to protect continental shelf rockfish would also benefit lingcod. Lingcod taken onboard while still living appear to have a good chance of survival if returned quickly to sea.

Pacific ocean perch

Areas: Vancouver and Columbia.

Status of stock: 13 percent of unfished biomass.

Maximum allowable years to rebuild to MSY: 47 years.

Probability of rebuilding to MSY biomass in 47 years: 79 percent.

Expected median time to rebuild: 43 years.

Fmsy proxy: F40%.

ABC in 2000: 713 mt.

OY in 2000: 270 mt.

Management measures: POP primarily inhabit waters of the upper continental slope and are found along the edge of the continental shelf. Therefore, POP also would benefit from the trawl gear restrictions adopted to protect continental shelf rockfish species. Relative to 1999 levels, the cumulative trip limit for POP taken in the limited entry fishery is reduced by 87 percent from May through October, and 63 percent the other 6 months. POP is not an important species for recreational or nontrawl commercial fisheries.

Bycatch and Discards

Stock assessments and inseason catch monitoring are designed to account for all fishing mortality, including that resulting from fish discarded at sea. Discards in the fishery for whiting are well monitored and are accounted for inseason as they occur. In the other fisheries, discards caused by trip limits have not been monitored consistently, so discard estimates have been developed to account for this extra catch. A discard level of 16 percent of the total catch, previously measured for widow rockfish in a scientific study, is assumed for the commercial fisheries for widow rockfish, yellowtail rockfish, canary rockfish, and POP. A discard estimate of 9 percent is used for longspine thornyheads, 30 percent for shortspine thornyheads, 5 percent for Dover sole, and 10 percent for sablefish.

Foreign and Joint Venture Fisheries

For those species that will not be fully utilized by domestic processors or harvesters and that can be caught without severely affecting species that are fully utilized by domestic processors or harvesters, foreign or joint venture operations may occur. A joint venture occurs when U.S. vessels deliver their catch to foreign processing vessels in the EEZ. A portion of the OYs for these species may be apportioned to domestic annual harvest (DAH), which in turn may be apportioned between domestic annual processing (DAP) and joint venture processing (JVP). The portion of an OY not apportioned to DAH may be set aside as the total allowable level of foreign fishing (TALFF). In January 2000, no surplus groundfish are available for joint venture or foreign fishing operations. Consequently, all the OYs in 2000 are designed entirely for DAH and DAP (which are the same in this case); JVP and TALFF are set at zero.

II. Limited Entry and Open Access Fisheries

The FMP established a limited entry program that, on January 1, 1994, divided the commercial groundfish fishery into two components: The limited entry fishery and the open access fishery, each of which has its own allocations and management measures. The limited entry and open access allocations are calculated according to a formula specified in the FMP, which takes into account the relative amounts of a species taken by each component of the fishery during the 1984–88 limited entry window period.

The groundfish species that had limited entry and open access allocations in 1999 continue to be allocated between the 2 sectors in 2000. As in 1999, the OYs are all expressed in terms of total catch, and virtually all of the limited entry and open access allocations are expressed in terms of total catch (except for sablefish, which is explained here), and estimates of discards will be applied separately to the limited entry and open access allocations as data become available. This means that in 2000, as in 1999, estimates of trip-limit induced discards that previously were taken ''off the top'' before setting the limited entry and open access allocations (and so proportionally reduced both allocations), will instead be deducted only from the limited entry allocations for purposes of estimating the landed catch equivalents. Estimated bycatch of yellowtail rockfish and widow rockfish in the offshore whiting fishery are also deducted from the limited entry allocations to determine the landed catch equivalents for the target fisheries for widow and yellowtail rockfish. The landed catch equivalents are the harvest goals used when adjusting trip limits and other management measures during the season. Although this revised process complicates the calculation of the landed catch equivalents for the limited entry allocations, it is intended to more appropriately apply the discard estimates to the fleet that is responsible for them. The one exception is the limited entry sablefish fishery, which continues to be allocated as in recent years. The 10-percent discard estimate for this fishery continues to be deducted from the OY before the limited entry and open access allocations are calculated because both fisheries may experience discards and because the initial allocation was based on this process. Consequently, the open access and limited entry sablefish allocations are expressed in terms of landed catch. Discards in most open access fisheries are believed to be small, and no discard estimates are applied to the open access fishery at this time, but may be applied during the season if information becomes available.

Open Access Allocations

The open access fishery is composed of vessels that operate under the OYs, quotas, and other management measures governing the open access fishery, using (1) exempt gear or (2) longline or pot (trap) gear fished from vessels that do not have limited entry permits endorsed for use of that gear. Exempt gear means

all types of legal groundfish fishing gear except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp, spot, or ridgeback prawns (shrimp trawls) and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers.)

The open access allocation is derived by applying the open access allocation percentage to the OY, or, if there is a set-aside for recreational, tribal, or compensation for resource survey fishing, the set-aside is first deducted and then the percentage is applied to the commercial OY. (The commercial OY is the annual OY after subtracting any set-asides for recreational or tribal fishing or compensation for conducting resource surveys.) For those species in which the open access share would have been less than 1 percent, no open access allocation is specified unless significant open access effort is expected.

Limited Entry Allocations

The limited entry fishery means the fishery composed of vessels using limited entry gear fished pursuant to the OYs, quotas, and other management measures governing the limited entry fishery. Limited entry gear means longline, pot, or groundfish trawl gear used under the authority of a valid limited entry permit issued under the FMP, affixed with an endorsement for that gear. (Groundfish trawl gear excludes shrimp trawls used to harvest pink shrimp, spot prawns, or ridgeback prawns, and other trawls used to fish for California halibut or sea cucumbers south of Pt. Arena, CA.) Beginning in 1997, a sablefish endorsement is also required to operate in the limited entry non-trawl regular or mop-up seasons for sablefish.

The limited entry allocation (in total catch) is the OY reduced by (1) set-asides, if any, for treaty Indian fisheries, recreational fisheries, or compensation fishing for participation in resource surveys (which results in the commercial OY or quota); and (2) the open access allocation. (Allocations for Washington coastal tribal fisheries are discussed in section V and, for whiting, at paragraph IV.B.(3).)

Following these procedures, the Regional Administrator calculated the amounts of the allocations that are presented in Table 1a to this document. Unless otherwise specified, the limited entry and open access allocations are treated as OYs in 1999. There may be slight discrepancies from the Council's recommendations due to rounding.

Harvest Guidelines for Minor Rockfish Species

The two minor rockfish OYs (north and south of 40°10′ N. lat.) are allocated between limited entry and open access fisheries, based on the formula in the FMP and implementing regulations at 50 CFR 660.332(b). However, the Council went a step further. Recognizing that group OYs may allow disproportionate harvest of species in need of additional protection, the minor rockfish OYs are subdivided into nearshore (shallowest), shelf, and slope (deepest) categories, according to the approximate depths where those species are caught. This results in six separate harvest guidelines for minor rockfish, north and south of 40°10′ N. lat. This approach is intended to enable the Council to better monitor and control the fishing strategies in these areas by assigning trip limits, size limits, gear limits, recreational bag limits, and, if necessary, seasons to encourage fishers to operate in times and areas where overfished stocks are not commonly caught and are much less likely to occur as bycatch. These new HGs are incorporated in Table 1a. The rockfish species in the nearshore, shelf, and slope categories are listed in paragraph IV.A.(20) and Table 2.

Differences in Limited Entry and Open Access Management in 2000

Although the above procedures were followed, there are major differences in management of the limited entry and open access fisheries in 2000 compared to 1999. (1) The limited entry and open access percentages have been recalculated, and are in some cases different than in 1999 for two reasons—updates in the data base, and shifting the Eureka area from the southern to the northern area for the purpose of setting ABCs and OYs (See Attachment G.4.c., September 1999, from the Council's briefing book for its September meeting). (2) The new harvest guidelines for nearshore, shelf, and slope minor rockfish result in different harvest opportunities than if rockfish remained aggregated. (3) Furthermore, the management measures designed to rebuild overfished species, or to prevent overfishing or a species from becoming overfished, may result in the inability to attain the OY or allocation for relatively healthy stocks whose harvest is restricted because it may result in bycatch of overfished species. Consequently, OYs (and their associated limited entry and open access allocations) may not be completely available to the industry.

III. 2000 Management Measures

The major goal of management of the groundfish fishery has been to prevent overfishing while achieving the OYs (sometimes called harvest guidelines) and to provide year-round fisheries for the major species or species groups. However, it became apparent over the last several years that the goal of a year-round fishery was no longer achievable for a number of species. Lower OYs and growing awareness of reduced productivity of the groundfish resource, has resulted in new management strategies. In 1999, the Council recommended management measures that staggered fishing opportunities in the limited entry fishery, so that opportunities to harvest some species would be higher when other opportunities were lower. This strategy, although confounded to some extent by stormy weather in the winter, was more acceptable to the industry than tying up their boats for extended periods of time (often called ''time off the water''), particularly when it meant not fishing for other, healthier species that have groundfish as bycatch. The Council recommended continuation of cumulative trip limits for most of the fleet in 1999, but abandoned its prior 60:40 policy, in which as much as 60 percent of a 2-month cumulative limit could be taken in either of the 2 months. The intent of the 60:40 policy had been to spread the catch over the 2-month period, to minimize bycatch and discards, and to simplify compliance by not adhering to a rigid, monthly limit. Instead, the Council adopted an industry request to start 1999 with a single 3-month cumulative limit, followed by 3 2-month cumulative limits, and ending the year with 3 1-month cumulative limits; the cumulative limits could be taken any time during the applicable period.

In developing management strategies for 2000, the Council was faced with even more complicated decisions. The new legislative mandates under the Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act in 1996) gave highest priority to preventing overfishing and rebuilding overfished stocks to their MSY levels. The National Standard Guidelines at 50 CFR 600.310 interpreted this as ''weak stock management,'' which means that harvest of healthier stocks must be curtailed if necessary to prevent overfishing or to rebuild overfished stocks. Only under a rare exception, which is not being used in the Pacific groundfish fishery, would overfishing of minor species in a mixed stock fishery be allowed to continue.

Three FMP species were declared overfished in March 1999 (POP, lingcod, and bocaccio), which required rebuilding plans to be submitted within 1 year, and two more species are being declared overfished concurrent with publication of this notice (canary rockfish and cowcod). Of the five species, canary rockfish is the most constraining, as its OY was reduced from 1,045 mt in 1999 to 200 mt in 2000, and it is found coastwide on the continental shelf. Consequently, preventing overfishing and rebuilding overfished species will hinder achievement of the previous goal of providing a year-round fishery. The primary strategy the Council chose to rebuild these overfished species is to divert effort off the sea floor of the continental shelf, where lingcod, bocaccio, canary rockfish, cowcod, and, to a lesser extent, POP occur. The management strategy for 2000 attempts to do this, while providing fishing opportunities for some, but not all, groundfish species throughout the year.

Normally, this annual notice in the **Federal Register** would review the prior year's OYs, management measures (trip limits), and relate that experience to the next year's management recommendations. This history is not included here because it is largely inapplicable to the different type of management used in 2000. (The history of management in 1999 is documented in the Council's SAFE document, and the actual **Federal Register** notices are available from the Government Printing Office (GPO) or NMFS home pages listed under Electronic Access.)

In establishing priorities for management in 2000, the following goals were used by the Council's Groundfish Management Team (Supplemental GMT Report G.7.(3)., November 1999): (1) Prevent overfishing, especially of depleted and overfished groundfish stocks; (2) manage consistent with rebuilding bocaccio, lingcod, and POP; (3) maximize harvest opportunities for non-depleted stocks while minimizing, to the extent practicable, the discard mortality of species of concern; (4) provide equitable harvest opportunity for both recreational and commercial sectors; and (5) maintain year-round commercial groundfish fishing opportunities to the extent possible.

A number of assumptions and considerations were involved in developing the management recommendations for 2000. Dover and petrale sole move into deeper water during the winter and can be harvested with minimal bycatch of bocaccio, canary rockfish, and other shelf species during those months. It is possible to catch widow rockfish, or a mix of widow and yellowtail rockfish, with minimal bycatch of canary rockfish if midwater trawl gear is used. If a vessel fishes for widow or yellowtail rockfish with bottom trawl gear (as specified at 50 CFR 660.302 and 660.322 before any distinction was made for footrope size), there will be greater incidental catch of canary rockfish. Therefore, it is neither possible to maintain a year-round fishery with bottom trawl gear for all groundfish species without an unacceptable level of bycatch, nor is it possible to maintain a year-round commercial fishery if all (or even most) limited entry vessels participate all year. Similarly, recreational effort needs reduction to achieve a year-round fishery. By promoting different fishing strategies at different times of the year, some bycatch can be avoided, but to accomplish this, trip limits, bag limits, size limits or gear restrictions for several additional species and/or species groups are required in 2000. The Council also abandoned the January-March 3-month cumulative trip limit period because it attracted additional effort on some species at the beginning of the year. Instead, it adopted 2-month and 1-month cumulative trip limit periods. The 2-month periods are intended to provide a reasonable target opportunity for healthier stocks, whereas the small, 1-month cumulative trip limits are intended to provide for landings of unavoidable incidental catch and/or increased flexibility in changing limits at the end of the year.

The lack of current discard information, which results from the lack of an at-sea monitoring program, makes it difficult to assess the success or failure of the proposed management measures. The Council is taking steps to improve its ability to assess bycatch by designing an at-sea observer program that can be implemented as soon as funding becomes available. In the meantime, the Council must use the best information available to it. As in past years, an estimate of discards (as described above in Section I) is subtracted from applicable allocations (generally limited entry allocations), and inseason management is designed to achieve a landed-catch equivalent that is lower than the allocation.

After hearing the GMT's proposals, the advice of its advisory subpanels, and considerable public testimony at its November 1999 meeting, the Council recommended the following actions for management in 2000.

Limited Entry Trawl

For the limited entry trawl fishery, the Council recommended a suite of season, gear and cumulative trip limits, designed to encourage fishing with gear in times and areas where bycatch of overfished or depleted species will be minimized. The Council recommendations introduce differential trip limits for limited entry trawlers operating with different trawl gear configurations: bottom trawl with footropes greater than 8 inches (20.5 cm) in diameter; bottom trawl with footropes smaller than 8 inches (20.5 cm) in diameter; and midwater or pelagic trawl. Trawling with footropes that have roller gear or other large gear designed to bounce over tough rockpiles tends to allow those vessels greater access to areas where several of the overfished species congregate. Therefore, landings of shelf rockfish are prohibited if large footrope trawls (roller gear) are used; small amounts of shelf rockfish bycatch may be landed if small footrope trawls are used; and, targeting healthy shelf rockfish stocks is encouraged only if midwater trawls are used. Fishers testified at the November 1999 Council meeting that, for a vessel owner using footrope with rollers and bobbins greater than 8 inches (20.5 cm) in diameter, it would not be difficult or costly to modify the gear to get an overall footrope diameter smaller than 8 inches (20.5 cm). The Council initially discussed limiting the small footrope diameter to 7 inches (18 cm) rather than 8 inches (20 cm), but adopted 8 inches (20 cm) in recognition of the variability in producing 7-inch (18 cm) rollers and bobbins. However, because this tolerance is built in, there will be no exceptions to the 8-inch (20 cm) diameter requirement—the footrope must not exceed 8 inches (20 cm) anywhere along its length.

The Council also prohibited the use of chafing gear on the body of small footrope trawls. Chafing gear protects the net from snagging when it drags against rock piles or the sea floor. The prohibition against chafing gear makes the net more vulnerable to tears, and so encourages fishers to operate in less damaging areas.

Trawl vessels using large footrope gear (with footropes greater than 8 inches (20 cm) in diameter) are prohibited from landing nearshore and shelf rockfish and most flatfish species because their ability to fish in rocky areas would result in high incidental catch of species that are depleted or that cannot withstand additional fishing effort. Although vessels are not prohibited from using large footropes in

nearshore and continental shelf areas, they are not allowed to retain and sell most of the fish they could catch there, which should act as a significant disincentive to operate in those areas. Large footrope trawls may still be used on deepwater species of the continental shelf and slope, primarily Dover and rex soles, thornyheads, sablefish, and deepwater rockfish, because they encounter fewer of the species needing protection in these areas. Part of the year, predominantly winter months, large footrope trawls may also be used to harvest arrowtooth flounder and petrale sole, but small footrope trawls are required the rest of the year (Table 3). In addition, new trip limits are imposed for arrowtooth flounder from January–April and from November–December to discourage targeting on POP. The lingcod trawl fishery is closed during those same months, January–April and November–December, with only a bycatch level trip limit (400 lb (181 kg) per month) available from May–October, and an increased size limit (from 24 inches (61 cm) to 26 inches (66 cm) south of 40°10′ N. lat. The lingcod closures in the winter will reduce the overall harvest and will protect spawning fish and males guarding their nests.

Another part of the strategy to allow harvest of relatively abundant stocks without affecting depleted ones involves the use of midwater trawl gear, which is effective at harvesting species above the ocean floor, with little or no bycatch of bottom-dwelling species such as canary rockfish. The Council believes the only way the widow rockfish OY may be reached without affecting canary rockfish is with midwater trawl gear. This gear may also be the best way to harvest chilipepper and yellowtail rockfish without catching canary rockfish. Consequently, larger 2-month cumulative trip limits are provided for vessels using midwater trawl gear to harvest widow, yellowtail, and chilipepper rockfish. If a fisher chooses to carry more than one type of trawl gear on board, the landing will be attributed to the gear on board with the most restrictive limit. To land the maximum amounts of widow, yellowtail and chilipepper rockfish, vessels will be required to have only midwater trawl gear onboard.

The industry is forewarned that there is no guarantee that these higher midwater trawl limits will be available throughout the year, or in future years, and cautions fishers to consider before purchasing new gear whether investing in new midwater trawl gear is cost effective. The review of groundfish productivity is expected to indicate lower OYs in 2001 and beyond.

Limited Entry Fixed Gear

The limited entry fixed gear fishery starts the year with the same limits as the limited entry trawl fishery when there is no distinction based on type of trawl gear. It has the same limits as the small footrope trawl fishery when there is a trawl gear distinction, except for shortspine thornyheads, sablefish and nearshore rockfish coastwide and shelf rockfish south of 40°10′ N. lat. In fact, the fixed gear cumulative trip limits for minor shelf rockfish, canary rockfish, yellowtail rockfish, and bocaccio are the same as for the small footrope trawl fishery except for the closed periods for the fixed gear fishery south of 40°10′ N. lat.

The higher midwater trawl limits are not appropriate for fixed gear. Midwater trawls can be used to selectively harvest relatively large quantities of widow, yellowtail, and chilipepper rockfishes above the sea floor, with minimal incidental catch of overfished species and at levels far exceeding recent landings by most fixed gear. There are no comparable and enforceable ways to modify fixed gear to keep it off the bottom and away from overfished species on the continental shelf.

The fixed gear fishery for widow rockfish is provided with a cumulative trip limit of 3,000 lb (1,361 kg) per month in 2000, between the 30,000-lb (13,608 kg) 2-month midwater trawl limit and the 1,000-lb (454 kg) per month small footrope trawl cumulative limit, but the limit is higher than the actual amount landed by most fixed gear vessels in 1999. From January-July 1999, only 3 of 120 limited entry fixed gear vessels landed more than 1,000 lb (454 kg) per month of widow rockfish, and so were not constrained by the much higher cumulative trip limits.

The fixed gear limit for yellowtail rockfish in 2000 kept at the same level as for small footrope trawl gear, 1,500 lb (680 kg) per month, with the intent that this limit will accommodate incidental catch rather than a target fishery. This limit will restrict the fixed gear fleet somewhat. From January-July 1999, 8 of 76 limited entry fixed gear vessels landed more than 1,400 lb (635 kg) of yellowtail rockfish in a month.

The 2000 chilipepper limit of 2,000 lb (907 kg) per month is maintained at a lower level than trawl gear, consistent with recent landings, because bocaccio are caught in fixed gear fisheries for chilipepper.

The fixed gear fishery for shortspine thornyheads is maintained at the same 1,000 lb (454 kg) per month limit year round, whereas the trawl fishery allows for higher catches in the winter (averaging 1,500 lb (680 kg) per month) when the deepwater Dover sole, sablefish, thornyhead fishery occurs, and smaller catch in the summer (averaging 500 lb (227 kg) per month) when the Dover sole fishery also is curtailed. However, if the monthly averages are compared, both the fixed gear and trawl fisheries have the same average cumulative trip limit amount of 1,000 lb (454 kg) per month.

The fixed gear sablefish fishery is managed under regulations at 50 CFR 660.323(a)(2) that provide for 2 seasons (the regular and mop-up seasons) during which cumulative trip limits apply. The rest of the year is designated for the ''daily trip limit'' (DTL) fishery, which is restricted by the pounds of sablefish that may be landed in each day (300 lb (136 kg) north of 36° N. lat., and 350 lb (159 kg) south of 36° N. lat.; daily trip limits may not be exceeded. However, they also are counted toward a 2-month cumulative limit of 2,100 lb (953 kg). An option was added for the fishery south of 36° N. lat., in which a fisher could opt to make one landing above 350 lb (159 kg) but no more than 1,050 lb (476 kg) in a week. This option continues in 2000, and a new option is also provided for the fishery north of 36° N. lat., but only through April 30, 2000. Instead of taking 300 lb (136 kg) per day, not to exceed 2,100 lb (953 kg) per 2 months, a fisher may choose to make one landing above 300 lb (136 kg) but less than 600 lb (272 kg) per week, which will count toward an 1,800 lb (816 kg) 2-month cumulative limit. This northern option will end on April 30, 2000, and will be reevaluated but will not be reinstated before July 1, 2000.

For commercial fisheries, direct targeting and opportunities to take overfished species as bycatch will be severely curtailed. Nontrawl gear generally has greater access than trawl gear to rockfish living on and around high relief rockpiles. To prevent commercial nontrawl gear vessels from fishing on nearshore rockfish, shelf rockfish, and lingcod during periods when the recreational fisheries for those species are closed, the Council recommended also closing commercial fixed gear fishing for those species during the same areas and periods—all limited entry fixed gear (pot and longline) south of 40°10′ N. lat. will be prohibited from landing any nearshore and shelf rockfish for 2 of the first 4 months of the year (January-February south of 36° N. lat., and March-April from 40°10′ N. lat. to 36° N. lat.). Concurrent closures are expected to achieve the conservation goals while

reducing the competitive hostility that sometimes occurs when one gear type is allowed to fish while the other gear type is not. The Council expects that these commercial closures will also reduce the chance that a commercial vessel could take advantage of the recreational closure to target known rockfish hotspots available only to nontrawl gear.

Open Access (Hook-and-Line, Troll, Pot, Setnet, Trammel Net)

As in 1999, the open access fishery is managed separately from the limited entry fixed gear fishery. As in the past, open access cumulative trip limits continue to be applied mostly to 1-month periods, and thornyheads may not be taken and retained north of 36° N. lat. However, some significant changes also occur in 2000. Nearshore and shelf rockfish taken with nontrawl open access gear (hook-and-line, troll, pot, setnet and trammel net) south of 40°10′ N. lat., may not be possessed or landed for 2 of the first 4 months of the year (January-February south of 36° N. lat., and March-April from 40°10′ N. lat. to 36° N. lat.), concurrent with limited entry fixed gear and recreational rockfish closures in the same areas and for the same reasons mentioned above for limited entry nontrawl fisheries. Similarly, the lingcod fishery for all open access nontrawl gears is subject to the same closure, size limits, and cumulative trip limits as limited entry fixed gear. A provision was designed for open access vessels fishing for minor nearshore rockfish north of 40°10′ N. lat. The Council wanted to provide a continued opportunity to nearshore fishers to selectively harvest black and blue rockfish, while discouraging excessive harvest of other nearshore species. This is intended to correct the trend of increased effort on other nearshore rockfish in recent years. Consequently, the cumulative trip limit provides for landings of 1,000 lb (454 kg) per month of nearshore rockfish, of which no more than 500 lb (227 kg) may be species other than black or blue rockfish.

In 1998 and previous years, most open access limits were linked to (and could not exceed) limited entry limits, so that the open access monthly cumulative limits for most species were 50 percent of the limited entry 2-month cumulative limits for those species. Since 1999, open access cumulative limits are no longer linked to limited entry cumulative limits. Open access cumulative limits may exceed those for limited entry. In 2000, NMFS clarifies that if a vessel with a limited entry permit uses open access gear (including exempted trawl gear) and the open access cumulative limit is larger, the vessel will be constrained by the smaller, limited entry cumulative limit for the entire cumulative period.

Open Access Exempted Trawl Gear

Open access exempted trawl gear (used to harvest spot and ridgeback prawns, California halibut, sea cucumbers, or pink shrimp) is managed with both ''per trip'' limits and cumulative trip limits. These trip limits are the same as in 1999, except there are no special sublimits for sablefish, and the other open access limits apply but cannot exceed the overall groundfish limits. The limits are 500 lb (227 kg) of groundfish per day, not to exceed 2,000 lb (907 kg) per trip in the pink shrimp fishery, and 300 lb (136 kg) per trip by the other exempted trawl gears. The trip limits for the pink shrimp fishery will be reconsidered at the March or April Council meeting.

Recreational Fishery

The recreational fishery is also restricted for conservation reasons, particularly for lingcod and bocaccio that have significant recreational catches. Washington, Oregon, and California each proposed, and the Council recommended, different combinations of seasons, bag limits and size limits to best fit the needs of their recreational fisheries, while meeting the required conservation burden.

For lingcod, Washington closed the recreational fishery for 5 months (January-March, November-December) and lowered the bag limit from two to one fish, while maintaining the 24-inch (61 cm) minimum size limit. Oregon maintained its two lingcod bag limit and 24-inch (61 cm) size limit, but added a 34-inch (86 cm) maximum size limit. California also maintained its two lingcod bag limit, but increased the minimum size to 26 inches (66 cm) and closed the lingcod season January-February south of 36° N. lat. and March-April from 40°10′ N. lat. to 36° N. lat. As recently as 1998, all three states had three lingcod bag limits and lacked closed seasons for this species. The recreational harvest off California is expected to be reduced by 22 percent as a result of the higher minimum size limit for lingcod.

To prevent overfishing and rebuild overfished rockfish, the states took a number of additional actions. Washington maintained its 10 rockfish bag limit, but added that no more than 2 could be canary rockfish and no more than 2 could be yelloweye rockfish, a species on which overfishing occurred in 1999. (Yelloweye are not common in trawl catches.) Oregon reduced its 15 rockfish bag limit to 10, of which no more than 3 may be canary rockfish. California reduced its rockfish bag limit from 15 to 10, maintained its canary rockfish sublimit of 3 fish, and also maintained its bocaccio sublimit of 3 fish, but imposed a new 10-inch (25 cm) minimum size limit for bocaccio, and limited cowcod to one fish per landing, not to exceed two per boat. California also recommended a 3-hook per pole limit for rockfish and lingcod. For bocaccio, the 10-inch (25 cm) minimum size off California was adopted to discourage the targeting of young fish off piers and jetties. Bocaccio smaller than 10 inches (25 cm) are particularly available to this shallow water fishery during their first year of life, before they have had an opportunity to mature and spawn. The strong year class seen in 1999 and expected in 2000 is of particular concern. However, fish caught off piers and jetties do not suffer from decompression and are expected to have high survival if returned quickly to sea.

To assist in species identification, the entire skin must remain on rockfish filets. This requirement provides a more effective means of enforcing reductions in bag limits for rockfish, in general, and for bocaccio, cowcod, and canary rockfish, in particular, because it is difficult to accurately distinguish among rockfish species unless the entire skin is attached.

Size limits are imposed on the following three species that had not been individually managed under the FMP to protect young fish in nearshore waters off California: cabezon, 14 inch (36 cm) size limit; kelp greenling, 12 inch (30 cm) size limit; and California scorpionfish (also called ''sculpin''), 10 inch (25 cm) size limit. The new, or increased, recreational size limits apply to species that are of commercial and recreational importance and for which there is a need for conservation. Furthermore, these species are harvested in waters that are shallow enough to ensure a high likelihood of survival following capture and release. For cabezon, greenling, and California scorpionfish, the minimum size limits are intended to provide at least 50 percent of adult females of each species with an opportunity to spawn at least once. Identical commercial size limits were adopted by the California in 1999 for these three species.

Different season closures were chosen for the Monterey and Conception areas in order to maximize benefits to bocaccio and canary rebuilding, while limiting disruption to the overall recreational fishery to 2-month periods. Over 40 percent of annual recreational

landings of bocaccio in southern California occur during January and February, so prohibiting rockfish landings during those months has the highest potential benefit for bocaccio. In the Monterey area, about 25 percent of the annual canary rockfish landings occur during March and April, which is a greater proportion than during any other 2-month period. March–April also accounts for a comparatively high proportion of the bocaccio catch in the Monterey area. Consequently, season closures were chosen to correspond with the 2-month periods of greatest benefit for bocaccio and canary rockfish in the Conception and Monterey areas. Furthermore, season closures allow for modestly higher trip and bag limits than otherwise would be possible under year-round fishing, which is expected to result in fewer discards than otherwise would occur. Concurrent seasons for recreational and commercial nontrawl fisheries are more cost effective to enforce than staggered seasons and minimize conflicts between commercial nontrawl and recreational fishers that fish for nearshore and shelf rockfish.

Other Provisions

Other provisions for the 1999 fisheries not explicitly addressed above remain in effect and are repeated in paragraph IV. of this document. For example, the optional platooning system that was initiated in 1997 remains in effect that enables the limited entry trawl fleet to provide a more consistent supply of fish to processors. The choice of platoon applies to the permit for the entire calendar year, even if the permit is sold, leased, or otherwise transferred. The platoon system is experimental and, although it is continued in 2000, it may not be continued in the future if the Council decides that the benefit does not outweigh technical and administrative burdens.

Harvest rates and landings will be monitored throughout the year and cumulative limits may be raised or lowered to provide access to the OYs, allocations, and harvest guidelines, but only if consistent with the management measures implemented to protect and rebuild overfished species.

The management measures for the limited entry fishery are found in Section IV. Most cumulative trip limits, size limits, and seasons for the limited entry fishery are explained in Tables 3 and 4 of section IV. However, the limited entry nontrawl sablefish fishery, the midwater trawl fishery for whiting, and the hook-and-line fishery for black rockfish off Washington are managed separately from the majority of the groundfish species and are not fully discussed in the tables. Their framework management structure has not changed since 1999, except for the level of trip limits for sablefish and whiting, and is described in paragraphs IV.B.(2)–(4) of section IV.

Reducing Bycatch

The Magnuson-Stevens Act defines bycatch as ''fish which are harvested in a fishery, which are not sold or kept for personal use, and include economic discards and regulatory discards.'' In the Pacific Coast groundfish fishery and in many other fisheries, the term bycatch is commonly used to describe nontargeted species that are landed and sold or used, and the term ''discard'' is used to describe those that are not landed or used. Bycatch (as defined by the Magnuson-Stevens Act) information in the groundfish fishery is scarce. However, the groundfish management measures include provisions to reduce trip limit induced bycatch and to account for that bycatch when establishing ABCs and monitoring harvest levels.

Based on limited studies in the mid-1980s and information on species compositions in landings, the Council has developed assumed discard rates for sablefish, longspine and shortspine thornyheads, widow rockfish, canary rockfish, yellowtail rockfish, Dover sole, and lingcod (see I. Final Specifications). These discard rates are used to calculate an amount of assumed discard that is subtracted from the annual total catch OY to yield a landed catch equivalent. Although there is no exact measure of bycatch amounts in most fisheries, the assumed amounts are taken into account in this way to prevent total landings from exceeding the ABC. Certain species are also managed within mixed-stock groups, like the ''DTS complex'' of Dover sole, thornyheads, and sablefish. For groundfish multispecies management, trip limits are set to match the known species catch proportions, which may mean reducing trip limits on some of the more abundant species to prevent bycatch of less abundant species, or setting trip limits at levels that vary throughout the year according to when particular stocks are most aggregated. The cumulative trip limit system is designed to encourage fishers to direct effort on particular species when those species are aggregated or when bycatch species are less available. Longer cumulative limit periods than in 1998 when no more than 60 percent of a 2-month cumulative limit could be taken in either of the months, coupled with trip limits that recognize species distribution throughout the fishing year, will also reduce the opportunities for discarding groundfish in excess of trip limits. In addition, the new trawl-gear specific trip limits discussed elsewhere will also reduce bycatch.

Fishing Communities and Impacts

The Magnuson-Stevens Act requires that actions taken to implement FMPs be consistent with 10 national standards, one of which requires that conservation and management measures ''take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.'' Commercial and recreational fisheries for Pacific coast groundfish contribute to the economies and shape the cultures of numerous fishing communities in Washington, Oregon, and California. In setting this year's specifications and management measures, the Council took several steps to accommodate the needs of those communities within the constraints of requirements to rebuild overfished stocks and to prevent overfishing. In general, the Council allows the largest harvest possible, consistent with conservation needs of the fish stocks.

For two of the three overfished species (lingcod and bocaccio), the Council could have prohibited all landings of these species, despite knowing that lingcod and bocaccio are caught in mixed-stock fisheries and that interception and incidental mortality are inevitable whether a retention prohibition is in place or not. Instead, the Council looked for some minimum level of retention in both commercial and recreational fisheries that would allow fishery participants to land some of their incidental catch of lingcod and bocaccio. As it has done with POP for years, the Council's goal was to set retention at some minimal level that would discourage targeting, while allowing fishers to land already-dead, incidentally caught fish. The retention levels allowed for each of these species are below the overfishing level and allow rebuilding, but do recognize that some unintentional catch will occur. In addition to these measures that cushion the socio-economic impacts of necessary stock protection restrictions, the Council continued the year-round fishery opportunity that is important to the fishing and processing sectors, in order to maintain a continuity of employment opportunity in fishing communities. The Council modified the cumulative trip limit system that has been used in recent years to extend the fishing season throughout the year by providing opportunities for at least

some groundfish species and by adopting trawl gear restrictions. These gear restrictions through operational and economic incentives, will prevent bottom trawl fishing with roller gear for some species and encourage use of midwater trawl and small footrope trawls on the continental shelf where most overfished species occur. These strategies were developed by a group of industry participants and representatives in consultation with the GMT as to achieve conservation goals while minimizing impacts on the industry and coastal communities.

Nonetheless, the impacts on some fishers and communities will be severe, particularly those without alternative opportunities. New, lower harvest levels will cause economic hardship in many Pacific Coast fishing communities. Depending on the base year(s) of comparison (1999 or 1995–97), the estimates of loss in ex-vessel revenues for the year 2000 range from something greater than $3 million to at least $15 million. Doubling these figures would provide a reasonable approximation of loss in income to fishing communities. A study sponsored by the Oregon suggests that Oregon fishing communities will suffer a loss in income of about 33 percent (about $20 million) in the year 2000 compared to their income in 1995. Although, the estimates assume that OYs of all managed species will be entirely harvested, this is unlikely to occur. If all OYs are not fully harvested, the above values probably underestimate the economic impact of the 2000 management measures. Some amounts of healthy stocks will not be fully harvested because their harvest will be constrained by regulations designed to protect co-occurring overfished species. Participation in the fishery may also decline in response to more restrictive management measures, but we cannot predict how participation might change and how much harvest might be reduced by that change. The distribution of the economic impact will depend on how well the user groups can adapt to the restrictions. In some instances some user groups, particularly those able to use midwater trawl gear, will have a greater opportunity to harvest in the year 2000 than in 1999, because the Council recommended new gear restrictions encouraging fishers to use gear that reduces incidental catch of the depleted rockfish. Other fishers will not be able to maintain a viable operation at the reduced harvest levels. The Council prepared a draft Community Impact Assessment document which was available for public review at the November Council meeting, and the EA/RIR prepared for this action also discusses the economic and social effects on coastal communities (see **ADDRESSES**).

Designated Species B Permits

Designated species B permits may be issued if the limited entry fleet will not fully utilize the OY for Pacific whiting or shortbelly rockfish. Whiting is clearly fully utilized by the limited entry fishery, and has been for years. Shortbelly rockfish and whiting are taken predominantly with limited entry trawl gear. The open access fishery is prohibited from using trawl gear to target groundfish. Therefore the likelihood of interest in, or issuance of, Designated Species B permits for an open access fishery for whiting or shortbelly rockfish is remote. NMFS has determined that the limited entry fleet intends to use the entire OY for Pacific whiting and shortbelly rockfish, and, therefore, NMFS does not expect to issue Designated Species B permits in 1999.

Summary of Management Changes in 2000

Section IV below incorporates the regulatory text that applies to fishers operating in the Pacific coast groundfish fishery in 2000. Many provisions are the same as in 1999, but a number of revisions and format changes have been made. New cumulative trip limit periods are announced at IV.A.(1)(c), that apply to both limited entry and open access fisheries, as applicable. Explanations of size limit measurements and conversions for sablefish and lingcod are moved into paragraph IV.A.(6), although the actual size limits appear in Tables 3–5. Paragraph IV.A.(11) is revised to clarify how cumulative trip limits are applied for a limited entry vessel operating in the open access fishery if the open access limit is larger than the limited entry limit. Paragraph IV.A.(13) is expanded to include a list of species that must be sorted. New gear restrictions for the limited entry fishery appear in paragraph IV.A.(14); cumulative trip limits differ for many species depending on the type of trawl gear used. The first day of the major cumulative limit periods, that establish when limited entry permit transfers must be completed, is announced in paragraph IV.A.(15). Platooning dates for the year 2000 are listed in paragraph IV.A.(16). The geographic coordinates in paragraph (19) are updated by adding the new cumulative trip limit management line (the ''north/south line'') at 40°10′ N. lat. New classifications of nearshore, shelf, and slope rockfish are added at paragraph IV.A.(20), and minor rockfish species are listed in Table 2. The trip limits have been converted from text into tables, with explanations in Section IV. However, the industry is cautioned not to rely on the tables alone. The text in Section IV. provides cumulative trip limit definitions and periods, size limit definitions and conversions, and other information that cannot be readily included in a table but must be understood in order to use the tables correctly. The sablefish allocations and nontrawl sablefish management, Pacific whiting allocations and seasons, and ''per trip'' limits for black rockfish off Washington State are still presented in text in paragraphs IV.B. Discussion of trip limits for exempted trawl gear in the open access fishery (paragraph IV.C.), recreational management measures (paragraph IV.D.), and tribal allocations and management measures (paragraph V.) also still remain in text.

How to Use the Trip Limit Tables

Cumulative trip limits are applied during the time periods indicated in Tables 3–5 of Section IV. The cumulative trip limit may be taken at any time within the applicable cumulative trip limit period. All cumulative trip limit periods start at 0001 hours, local time, on the specified beginning date, except for ''B'' platoon trawl vessels whose limits start on the 16th of the month (see paragraph IV.A.(16).

Example 1: Line 2 of Table 3 for the limited entry trawl fishery means—North of 40°10′ N. lat., the cumulative trip limit for minor slope rockfish is 3,000 lb (1,361 kg) per 2-month period; the 2-month periods are January 1–February 29 and March 1–April 30.

Example 2: The trip limits for bocaccio on Table 4 for limited entry fixed gear mean: From January 1 through February 29, the trip limit for bocaccio between 40°10′ N. lat. and 36° N. lat. is 300 lb (136 kg) each month. However, the fishery for bocaccio is closed from March 1–April 30, which means bocaccio may not be taken, retained, possessed or landed between 40°10′ N. lat. and 36° N. lat. during that time period. The cumulative trip limit increases to 500 lb (227 kg) per month on May 1, but a fisher may not fish ahead on that amount (see paragraph IV.A.(2)). Bocaccio taken and retained north of 40°10′ N. lat. are not explicitly mentioned in the table, which means they are included in the trip limit for ''minor shelf rockfish-north'' (see footnote 6 of Table 4).

Emergency Rule

In the past, annual management measures have been primarily set through ''routine'' management procedures which consisted of adjusting commercial trip limits and recreational bag limits. For most species, the limited entry commercial trip limit did not vary with the type of gear used. However, because of the drastic reductions in harvest limits for many species and the multispecies characteristic of the fishery, the existing routine management measures will not produce sufficient and appropriately targeted harvest reductions. Therefore, the emergency authority at section 305(c) of the Magnuson-Stevens Act must be used to tailor the management measures to the needs of the stocks, while allowing as much access to healthy stocks as possible.

The emergency authority is being used to implement and designate as routine the following management measures. The new routine measures for the commercial fishery include limited entry trip limits that may be different based on type of gear used and closed seasons for lingcod and rockfish. The new routine management measures for the recreational fishery include size limits for canary rockfish, bocaccio, cabezon, kelp greenling, and sculpin; closures for rockfish and lingcod; boat limits for cowcod; a requirement to keep the skin on rockfish; a prohibition on filleting cabezon; and hook limits. These new measures will be used for the same purposes as the existing routine measures set out at 50 CFR 660.323(b) and, in addition, for the purposes achieving the rebuilding plans, reducing bycatch, preventing overfishing, allowing the harvest of healthy stocks as much as possible while protecting and rebuilding overfished and depleted stocks, and equitably distributing the burdens of rebuilding among the sectors. The more specific reasons behind the specific management measures are addressed elsewhere in this notice. This emergency rule is effective for 180 days, July 3, 2000. NMFS anticipates extending the rule for an additional 180 days in order for it to cover the entire 2000 fishing season. During 2000, NMFS plans to amend the existing groundfish regulations in order to implement rebuilding plans and to provide the type of flexibility provided here.

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's recommendations and announces the following management actions for 2000, including those that are the same as in 1999.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2000 management measures, unless otherwise specified in a subsequent notice:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) *A trip limit* is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) *A daily trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) *A cumulative trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours and end at 2400 hours (local time), are as follows, unless otherwise specified:

(i) The 2-month periods are: January 1–February 29, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One-month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative, or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph IV.A.(7)).

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish.* ''Legal fish'' means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any notice issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the ''total length'' (TL), the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the State where the fish will be landed.

(a) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(c) *Sablefish size and weight limit conversions.* The following conversions apply to both the limited entry and open access fisheries when size and trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish:

(i) The minimum size limit for headed sablefish, which corresponds to 22 inches (56 cm) TL for whole fish, is 15.5 inches (39 cm).

(ii) The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishermen should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.)

(d) *Lingcod size and weight conversions.* The following conversions

apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) TL for whole fish.

(ii) *Weight conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states' conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.) If a state does not have a conversion factor for headed and gutted lingcod, or lingcod that is only gutted; the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5. (The State of Washington currently uses a conversion factor of 1.5.)

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1.

(7) *Closure.* ''Closure,'' when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. [Note: Special provisions are made for an at-sea closure at the end of the regular season for the sablefish limited entry fishery. See 50 CFR 660.323(a)(2).] The provisions at paragraph IV.A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught.

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore, or landed in, Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine and emergency management measures.*

(a) *Routine management measures.* Most trip and bag limits in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).)

(b) *Emergency regulations.* Management measures not previously designated routine under 50 CFR 660.323(b) are implemented in this rule and temporarily designated routine by this emergency rule, for the reasons specified in 50 CFR 660.323(b) and for the purpose of achieving the rebuilding plans, reducing bycatch, preventing overfishing, allowing the harvest of healthy stocks as much as possible while protecting overfished and depleted stocks, and equitably distributing the burdens of rebuilding among the sectors. The new routine measures for the commercial fishery include limited entry trip limits that may be different based on type of gear used and closed seasons for lingcod and rockfish. The new routine management measures for the recreational fishery include size limits for canary rockfish, bocaccio, cabezon, kelp greenling, sculpin; closures for rockfish and lingcod; boat limits for cowcod; a requirement to keep the skin on rockfish; a prohibition on filleting cabezon; and hook limits.

(c) *Inseason changes.* Inseason changes to routine (including emergency) management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open access gear, and the open access limit is smaller than the limited entry limit, then the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry limit and uses open access gear, and the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear. In short, a vessel with a limited entry permit that uses both limited entry and open access gear is constrained by the smaller of the two limits during the entire cumulative trip limit period.

(12) *Operating in areas with different trip limits.* Trip limits for a species or species group may differ in different geographic areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2000, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph IV.A(1)(c), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies, before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period.

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline, if the vessel fished or landed in an area during a

time when such trip limit, size limit, harvest guideline, or quota applied.'' This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h), effective July 27, 1998.) The following species must be sorted in 2000:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyheads, Dover sole, arrowtooth flounder, lingcod, sablefish, and Pacific whiting;

(ii) North of 40°10′ N. lat.—Pacific ocean perch, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, cowcod.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, and Pacific whiting;

(ii) North of 40°10′ N. lat.—Black rockfish, blue rockfish, Pacific ocean perch, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, cowcod;

(iv) South of Point Conception—thornyheads.

(14) *New Limited Entry Trawl Gear Restrictions in 2000.* Limited entry trip limits may vary depending on the type of trawl gear that is onboard a vessel during a fishing trip: large footrope, small footrope, or midwater trawl gear.

(a) *Types of trawl gear.*

(i) *Large footrope trawl gear* is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) *Small footrope trawl gear* is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small footrope trawl, running the length of the net from the terminal (closed) end of the codend.

(iii) *Midwater trawl gear* is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means.

(b) *Cumulative trip limits and prohibitions.*

(i) *Large footrope trawl.* It is unlawful to take and retain, possess or land the following species from a fishing trip if large footrope gear is onboard and the trip is conducted at least in part during the following periods: any species of shelf or nearshore rockfish (defined at IV.A.(20) and Table 2 to Section IV), January 1–December 31; any species of flatfish (as listed at 50 CFR 660.302 under the definition of groundfish), January 1–December 31, with the following exceptions—large footrope trawl gear may be used to take and retain Dover sole and rex sole year-round, petrale sole from January 1–February 29 and November 1–December 31, and arrowtooth flounder from January 1–April 30 and November 1–December 31, but these exceptions apply only on a trip that is conducted entirely during the periods in which use of large footrope gear is authorized. (See Table 3). The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large footrope trawl is on board. Dates will be adjusted for the ''B'' platoon.

(ii) *Small footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, chilipepper, minor shelf rockfish, minor nearshore rockfish, and lingcod, and the ''per trip'' limit for cowcod, as indicated in Table 3 to Section IV, are allowed only if small footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs IV.A.(14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow, yellowtail, or chilipepper rockfish. Each landing that contains widow, yellowtail, or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small footrope trawl must not exceed the small footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawls during a cumulative trip limit period, landings attributed to small footrope gear are counted toward the cumulative limit for midwater trawl gear. [Example: The cumulative trip limit for widow rockfish is 30,000 lb (13,608 kg) per 2 month period, of which no more than 1,000 lb (454 kg) per month may be attributed to landings by small footrope trawl gear.]

(iv) *More than one type of trawl gear on board.* The cumulative trip limits in Table 3 of section IV must not be exceeded. It is legal to have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board will apply for that trip, and will count toward the cumulative trip limit for that gear. [Example: If a vessel has large footrope gear on board, it cannot land chilipepper, even if the chilipepper is caught with a small footrope trawl. If a vessel has both small footrope trawl and midwater trawl gear onboard, the landing is attributed to the more restrictive small footrope trawl limit, even if midwater trawl gear was used.]

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California have indicated that they will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip, or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect only on the first day of a major cumulative limit period (50 CFR 660.333(c)(1)), those days in 2000 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the ''B'' platoon.

(16) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the ''A'' platoon, unless the ''B'' platoon is indicated on the limited entry permit. If a vessel is in the ''A'' platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the ''B'' platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the ''A'' platoon), unless otherwise specified.

(a) For a vessel in the ''B'' platoon, cumulative trip limit periods begin on the 16th of the month at 0001 hours, local time, and end on the 15th of the month. Therefore, the management

measures announced herein that are effective on January 1, 2000, for the ''A'' platoon will be effective on January 16, 2000, for the ''B'' platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the ''B'' platoon, unless otherwise specified.

(b) A vessel authorized to operate in the ''B'' platoon may take and retain, but may not land, groundfish from January 1, 2000, through January 15, 2000.

(c) Special provisions will be made for ''B'' platoon vessels later in the year so that the amount of fish made available in 1999 to both ''A'' and ''B'' vessels is the same. (For example, a vessel in the ''B'' platoon could have the same cumulative trip limit for the final period as a vessel in the ''A'' platoon, but the final period may be 2 weeks shorter, so that both fishing periods end on December 31, 2000. Alternatively, the ''B'' platoon may have 6 weeks to take the cumulative limits from the final 2 cumulative limit periods.)

(17) *Exempted fisheries.* U.S. vessels operating under an exempted (formerly experimental) fishing permit issued under 50 CFR part 600 also are subject to these restrictions, unless otherwise provided in the permit.

(18) Paragraphs IV.B. and IV.C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in Section V. The provisions in paragraphs IV.B. and IV.C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.D. pertains to the recreational fishery.

(19) *Commonly used geographic coordinates.*

(a) Cape Falcon, OR—45°46′ N. lat.

(b) Cape Lookout, OR—45°20′15″ N. lat.

(c) Cape Blanco, OR—42°50′ N. lat.

(d) Cape Mendocino, CA—40°30′ N. lat.

(e) North/South management line—40°10′ N. lat.

(f) Point Arena, CA—38°57′30″ N. lat.

(g) Point Conception, CA—34°27′ N. lat.

(h) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

(i) Vancouver—U.S.-Canada border to 47°30′ N. lat.

(ii) Columbia—47°30′ to 43°00′ N. lat.

(iii) Eureka—43°00′ to 40°30′ N. lat.

(iv) Monterey—40°30′ to 36°00′ N. lat.

(v) Conception—36°00′ N. lat. to the U.S.-Mexico border.

(20) *New rockfish categories in 2000.* Rockfish (except thornyheads) are divided into new categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: nearshore, shelf, or slope. (The term *Sebastes* complex no longer is used. Scientific names appear in Table 2.) New trip limits have been established for ''minor rockfish'' species according to these categories (see Tables 2–5).

(a) Nearshore rockfish consists entirely of the minor rockfish species listed in Table 2.

(b) Shelf rockfish consists of shortbelly rockfish, widow rockfish (*Sebastes entomelas*), yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 2.

(c) Slope rockfish consists of Pacific ocean perch, splitnose rockfish, and the minor slope rockfish species listed in Table 2.

TABLE 2.—MINOR ROCKFISH SPECIES (EXCLUDES THORNYHEADS)

(North of 40°10′ N. lat.)	(South of 40°10′ N. lat.)
NEARSHORE	
black, *Sebastes melanops*	black, *Sebastes melanops.*
black and yellow, S. *chrysolmelas*	black and yellow, *S. chrysolmelas.*
blue, *S. mystinus*	blue, *S. mystinus.*
brown, *S. auriculatus*	brown, *S. auriculatus.*
calico, *S. dalli*	calico, *S. dalli.*
China, *S. nebulosus*	California Scorpionfish.
copper, *S. caurinus*	*Scorpaena guttata.*
gopher, *S. carnatus*	China, *S. nebulosus.*
grass, *S. rastrelliger*	copper, *S. caurinus.*
kelp, *S. atrovirens*	gopher, *S. carnatus.*
olive, *S. serranoides*	grass, *S. rastrelliger.*
quillback, *S. maliger*	kelp, *S. atrovirens.*
treefish, S. *serriceps*	olive, *S. serranoides.*
	quillback, *S. maliger.*
	treefish, S. serriceps.
SHELF	
bronzespotted, *S. gilli*	bronzespotted, *S. gilli.*
bocaccio, *S. paucispinis*	chameleon, *S. phillipsi.*
chameleon, *S. phillipsi*	dwarf-red, *S. rufinanus.*
chilipepper, *S. goodei*	flag, *S. rubrivinctus.*
cowcod, *S. levis*	freckled, *S. lentiginosus.*
dwarf-red, *S. rufinanus*	greenblotched, *S. rosenblatti.*
flag, *S. rubrivinctus*	greenspotted, *S. chlorostictus.*
freckled, *S. lentiginosus*	greenstriped, *S. elongatus.*
greenblotched, *S. rosenblatti*	halfbanded, *S. semicinctus.*
greenspotted, *S. chlorostictus*	honeycomb, *S. umbrosus.*
greenstriped, *S. elongatus*	Mexican, *S. macdonaldi.*
halfbanded, *S. semicinctus*	pink, *S. eos.*
honeycomb, *S. umbrosus*	pinkrose, *S. simulator.*
Mexican, *S. macdonaldi*	pygmy, *S. wilsoni.*
pink, *S. eos*	redbanded, *S. babcocki.*
pinkrose, *S. simulator*	redstriped, *S. proriger.*

TABLE 2.—MINOR ROCKFISH SPECIES (EXCLUDES THORNYHEADS)—Continued

(North of 40°10′ N. lat.)	(South of 40°10′ N. lat.)
pygmy, *S. wilsoni*	rosethorn, *S. helvomaculatus.*
redbanded, *S. babcocki*	rosy, *S. rosaceus.*
redstriped, *S. proriger*	silvergrey, *S. brevispinis.*
rosethorn, *S. helvomaculatus*	speckled, *S. ovalis.*
rosy, *S. rosaceus*	squarespot, *S. hopkinsi.*
silvergrey, *S. brevispinis*	starry, *S. constellatus.*
speckled, *S. ovalis*	stripetail, *S. saxicola.*
squarespot, *S. hopkinsi*	swordspine, *S. ensifer.*
starry, *S. constellatus*	tiger, *S. nigrocinctus.*
SLOPE	
aurora, *S. aurora*	aurora, *S. aurora.*
bank, *S. rufus*	bank, *S. rufus.*
blackgill, *S. melanostomus*	blackgill, *S. melanostomus.*
darkblotched, *S. crameri*	darkblotched, *S. crameri.*
rougheye, *S. aleutianus*	Pacific ocean perch, *S. alutus.*
sharpshin, *S. zacentrus*	rougheye, *S. aleutianus.*
shortraker, *S. borealis*	sharpshin, *S. zacentrus.*
splitnose, *S. diploproa*	shortraker, *S. borealis.*
yellowmouth, *S. reedi*	yellowmouth, *S. reedi.*

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(c), size limits (see paragraph IV.A.(6)), and seasons (see paragraph (IV.A.(7)), and the trawl fishery has new gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph IV.A.(14)). Most of the management measures for the limited entry fishery are listed above and in Tables 3 and 4, and may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Tables 3 and 4.

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Table 3. 2000 Trip Limits 1/ and Gear Requirements 2/ for Limited Entry Trawl Gear
Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
4	**Splitnose**-South	8,500 lb / 2 months		14,000 lb / 2 months			4,000 lb / month
5	**Pacific ocean perch**	500 / month		2,500 lb / month			500 lb / month
6	**Sablefish**	7,000 lb / 2 months 22-inch size limit 3/		10,000 lb / 2 months 22-inch size limit 3/			3,500 lb / month 22-inch size limit 3/
7	**Longspine thornyhead**	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
8	**Shortspine thornyhead**	3,000 lb / 2 months		1,000 lb / 2 months			1,500 lb / month
9	**Dover sole**	55,000 lb / 2 months		20,000 lb / 2 months			20,000 / month
10	**Arrowtooth flounder**	10,000 lb / trip		No pound limit , but small footrope required 2/			10,000 lb / trip
11	**Petrale sole**	No restriction	No pound limit , but small footrope required 2/				No restriction
12	**Rex sole**	No limit					
13	**All other flatfish 4/**	No pound limit , but small footrope required 2/					
14	**Whiting shoreside 5/**	20,000 lb / trip		Primary season			20,000 lb / trip
15		before primary season					after primary season
16	**Use of small footrope bottom trawl or midwater trawl required for landing all the following species 6/:**						
17	**Minor Shelf rockfish**						
18	North	300 lb / month		1,000 lb / month			300 lb / month
19	South	500 lb / month		1,000 lb / month			500 lb / month
20	**Canary rockfish**	100 lb / month		300 lb / month			100 lb / month
21	**Widow rockfish**						
22	mid-water trawl	30,000 lb / 2 months		30,000 lb / 2 months			30,000 lb / 2 months
23	small footrope trawl	1,000 lb / month		1,000 lb / month			1,000 lb / month
24	**Yellowtail**-North 7/						
25	mid-water trawl	10,000 lb / 2 months		30,000 lb / 2 months			10,000 lb / 2 months
26	small footrope trawl	1,500 lb / month		1,500 lb / month			1,500 lb / month
27	**Bocaccio**-South 7/	300 lb / month		500 lb / month			300 lb / month
28	**Chilipepper**-South 7/						
29	mid-water trawl	25,000 lb / 2 months		25,000 lb / 2 months			25,000 lb / 2 months
30	small footrope trawl	7,500 lb / 2 months		7,500 lb / 2 months			7,500 lb / 2 months
31	**Cowcod** - South 7/	1 fish per landing		1 fish per landing			1 fish per landing
32	**Minor Nearshore rockfish**						
33	North	200 lb / month		200 lb / month			200 lb / month
34	South	200 lb / month		200 lb / month			200 lb / month
35	**Lingcod**	CLOSED		400 lb / month; 24-inch size limit 8/			CLOSED

1/ These trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40° 10' N. lat. to the US-Mexico border. 40° 10' N. lat. is about 20 nautical miles south of Cape Mendocino CA.

2/ Gear requirements and prohibitions are explained at paragraph IV.A.(14).

3/ No more than 500 lbs (227 kg) per trip may be sablefish smaller than 22 inches (56 cm) total length, which counts toward the cumulative limit.

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 3 with a trip limit.

5/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb / trip throughout the year (See IV.B.(3)(c)).

6/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See paragraph IV.A.(14).

7/ Yellowtail rockfish in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area. See Table 2.

8/ Lingcod must be greater than or equal to 24 inches (61 cm) total length. See IV.A.(6).

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. 2000 Trip Limits 1/ for Limited Entry Fixed Gear

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
4	**Splitnose-South**	8,500 lb/2 mo.		14,000 lb / 2 months			4,000 lb / month
5	**Pacific ocean perch**	500 lb / month		2,500 lb / month			500 lb / month
6	**Sablefish** (daily trip limit fishery) 2/						
7	North of 36 ° N. lat.	300 lb / day, 2,100 lb / 2 months		300 lb / day, 2,100 lb / 2 months			300 lb / day, 2,100 lb / 2 months
8		or 1 landing above 300 lb but less than		(option to make one landing per week above			
9		600 lb/week, less than 1,800 lb / 2 mo		300 lb removed May 1; may be reinstated in July)			
10	South of 36 ° N. lat.	350 lb / day		350 lb / day			350 lb / day
11		or 1 landing above 350 lb		or 1 landing above 350 lb			or 1 landing above 350 lb
12		per week, up to 1,050 lb		per week, up to 1,050 lb			per week, up to 1,050 lb
13	**Longspine thornyhead**	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
14	**Shortspine thornyhead**	1,000 lb / month		1,000 lb / month			1,000 lb / month
15	**Dover sole**	55,000 lb / 2 months		20,000 lb / 2 months			20,000 / month
16	**Arrowtooth flounder**	10,000 lb / trip		No restriction			10,000 lb / trip
17	**Petrale sole**	No restriction		No restriction			No restriction
18	**Rex sole**	No restriction		No restriction			No restriction
19	**Other flatfish 3/**	No restriction		No restriction			No restriction
20	**Shoreside whiting 4/**	20,000 lb / trip		Open			20,000 lb / trip
21	**Minor Shelf rockfish**						
22	North	300 lb / month		1,000 lb / month			300 lb / month
23	South						
24	40°10-36°00' N. lat.	500 lb / month	CLOSED 5/	1,000 lb / month			500 lb / month
25	South of 36°00' N. lat.	CLOSED	500 lb / month	1,000 lb / month			500 lb / month
26	**Canary-Coastwide**						
27	North	100 lb / month		300 lb / month			100 lb / month
28	South						
29	40°10-36°00' N. lat.	100 lb / month	CLOSED	300 lb / month			100 lb / month
30	South of 36°00' N. lat.	CLOSED	100 lb / month	300 lb / month			100 lb / month
31	**Widow rockfish-Coastwide**						
32	North	3,000 lb / month		3,000 lb / month			3,000 lb / month
33	South						
34	40°10-36°00' N. lat.	3,000 lb/month	CLOSED	3,000 lb / month			3,000 lb / month
35	South of 36°00' N. lat.	CLOSED	3,000 lb/month	3,000 lb / month			3,000 lb / month
36	**Yellowtail-North 6/**	1,500 lb / month		1,500 lb / month			1,500 lb / month
37	**Bocaccio-South 6/**						
38	40°10-36°00' N. lat.	300 lb / month	CLOSED	500 lb / month			300 lb / month
39	South of 36°00' N. lat.	CLOSED	300 lb / month	500 lb / month			300 lb / month
40	**Chilipepper-South 6/**						
41	40°10-36°00' N. lat.	2,000 lb /month	CLOSED	2,000 lb / month			2,000 lb / month
42	South of 36°00' N. lat.	CLOSED	2,000 lb/month	2,000 lb / month			2,000 lb / month
43	**Cowcod - South 6/**						
44	40°10-36°00' N. lat.	1 fish per landing	CLOSED	1 fish per landing			1 fish per landing
45	South of 36°00'	CLOSED	1 fish per landing	1 fish per landing			1 fish per landing
46	**Minor Nearshore rockfish**						
47	North	2,400 lb/2 months, of which		2,400 lb/2 months, of which			2,400 lb/2 months, of which no
48		no more than 1,200 lb may be species		no more than 1,200 lb may be species			more than 1,200 lb may be species
49		other than black or blue rockfish 7/		other than black or blue rockfish 7/			other than black or blue rockfish 7/
50	South						
51	40°10-36°00' N. lat.	1,000 lb / 2 months	CLOSED	1,000 lb / 2 months			1,000 lb / 2 months
52	South of 36°00' N. lat.	CLOSED	1,000 lb / 2 months	1,000 lb / 2 months			1,000 lb / 2 months
53	**Lingcod 8/**	CLOSED		400 lb / month; size limit 24 inches north, 26 inches south			CLOSED

1/ Trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40 10' N. lat. to the US-Mexico border.

2/ The sablefish size limit does not apply during the daily trip limit fishery, but does apply during the "regular" and mop-up" seasons north of 36° N. lat. See IV.B.(2).

3/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 4 with a trip limit.

4/ The whiting "per trip" limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

5/ Closed means it is prohibited to take and retain, possess, or land the designated species in the time or area indicated (see IV.A.(7)).

6/ Yellowtail rockfish in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

7/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

8/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish.* The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear. See footnote e/ of Table 1a.

(a) *Trawl trip and size limits.* Management measures for the limited entry trawl fishery for sablefish are listed in Table 3.

(b) *Nontrawl trip and size limits.* To take, retain, possess, or land sablefish during the regular, or mop-up season for the nontrawl limited entry sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. See 50 CFR 663.23(a)(2)(i). A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Regular and mop-up seasons.* Starting and ending dates for the regular and mop-up seasons, and the size of the cumulative trip limits for the regular and mop-up seasons (see 50 CFR 660.323(a)(2)) will be announced later in the year.

(ii) *Daily trip limit*—The daily trip limit, which is listed in Table 4 and which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season as specified at 50 CFR 660.323(a)(2), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. also is listed in Table 4, and continues throughout the year unless otherwise announced in the **Federal Register** because the regular and mop-up seasons do not apply south of 36° N. lat.

(iii) *Limit on small fish.* During the ''regular'' and ''mop-up'' seasons, there is a trip limit in effect for sablefish smaller than 22 inches (56 cm) total length, which may comprise no more than 1,500 lb (680 kg) or 3 percent of all legal sablefish 22 inches (56 cm) (total length) or larger, whichever is greater. (See paragraph IV.A.(6) regarding length measurement.) This trip limit counts toward any other cumulative trip limit that may be in effect. The size limit does not apply during the daily trip limit fishery outside the regular and mop-up seasons north of 36° N. lat., nor does it apply at any time south of 36° N. lat.

(3) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and 50 CFR 660.323(a)(3) and (a)(4).

(a) *Allocations.* The nontribal allocations are HGs, based on percentages that are applied to the commercial OY of 199,500 mt in 2000 (see 50 CFR 660.323(a)(4)), as follows:

(i) *Catcher/processor sector*—67,830 mt (34 percent);

(ii) *Mothership sector*—47,880 mt (24 percent);

(iii) *Shore-based sector*—83,790 mt (42 percent). No more than 5 percent (4,190 mt) of the shore-based whiting allocation may be taken before the shore-based fishery begins north of 42° N. lat.

(iv) *Tribal allocation*—See paragraph V.

(b) *Seasons.* The 2000 primary seasons for the whiting fishery start on the same dates as in 1999, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°–40°30′ N. lat.; April 15 south of 40°30′ N. lat.

(c) *Trip limits.*

(i) *Before and after the regular season.* The ''per trip'' limit for whiting before and after the regular season for the shore-based sector is announced in Table 3, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100-fm contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100-fathom (183-m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(4) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 4 and 5 of Section IV. The crossover provisions at paragraphs IV.A. (12) do not apply to the per trip limits.

C. Trip Limits in the Open Access Fishery

Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. The application of trip limits for vessels operating in both limited entry and open access fisheries has been clarified (paragraph IV.A.(11)). The crossover provisions at paragraph IV.A.(12) that apply to the limited entry fishery apply to the open access fishery as well. The cumulative limit periods initially are the same as for the limited entry fishery (see paragraph IV.A.(1)(c)) but may be changed during the year.

(1) *All open access gear except exempt trawl gear.* The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 5. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.4.)

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Table 5. 2000 Trip Limits 1/ for All Open Access Gear except Exempted Trawl Gear

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV	DEC
1	**Minor slope rockfish**							
2	North	500 lb / 2 months		500 lb / 2 months			500 lb / 2 months	
3	South	500 lb / 2 months		500 lb / 2 months			500 lb / 2 months	
4	**Splitnose-South**	200 lb / month		200 lb / month			200 lb / month	
5	**POP**	100 lb / month		100 lb / month			100 lb / month	
6	**Sablefish 2/**							
7	North of 36 °	300 lb / day, but no more		300 lb / day, but no more			300 lb / day, but no more	
8		than 2,100 lb / 2 months		than 2,100 lb / 2 months			than 2,100 lb / 2 months	
9	South of 36 °	350 lb / day		350 lb / day			350 lb / day	
10	**Thornyheads (longspine and shortspine combined)**							
11	North of Pt. Conception	CLOSED 3/		CLOSED			CLOSED	
12	South of Pt. Conception	50 lb / day		50 lb / day			50 lb / day	
13	**Arrowtooth**	200 lb / month		200 lb / month			200 lb / month	
14	**Dover sole**	(included in "other" flatfish limit)						
15	**Petrale sole**	(included in "other" flatfish limit)						
16	**Near-shore flatfish**	(included in "other" flatfish limit)						
17	**"Other" flatfish 4/**	300 lb / month		300 lb / month			300 lb / month	
18	**Shoreside whiting**	300 lb / month		300 lb / month			300 lb / month	
19	**Minor Shelf Rockfish**							
20	North	100 lb / month		100 lb / month			100 lb / month	
21	South							
22	40°10-36°00' N. lat.	200 lb / month	CLOSED	200 lb / month			200 lb / month	
23	South of 36°00' N. lat.	CLOSED	200 lb / month	200 lb / month			200 lb / month	
24	**Canary**							
25	North	50 lb / month		50 lb / month			50 lb / month	
26	South							
27	40°10-36°00' N. lat.	50 lb / month	CLOSED	50 lb / month			50 lb / month	
28	South of 36°00' N. lat.	CLOSED	50 lb / month	50 lb / month			50 lb / month	
29	**Widow**							
30	North	3,000 lb / month		3,000 lb / month			3,000 lb / month	
31	South							
32	40°10-36°00' N. lat.	3,000 lb / month	CLOSED	3,000 lb / month			3,000 lb / month	
33	South of 36°00' N. lat.	CLOSED	3,000 lb / month	3,000 lb / month			3,000 lb / month	
34	**Yellowtail-North 5/**	100 lb / month		100 lb / month			100 lb / month	
35	**Bocaccio - South 5/**							
36	40°10-36°00' N. lat.	200 lb / month	CLOSED	200 lb / month			200 lb / month	
37	South of 36°00' N. lat.	CLOSED	200 lb / month	200 lb / month			200 lb / month	
38	**Chilipepper-South 5/**							
39	40°10-36°00' N. lat.	2,000 lb / month	CLOSED	2,000 lb / month			2,000 lb / month	
40	South of 36°00' N. lat.	CLOSED	2,000 lb / month	2,000 lb / month			2,000 lb / month	
41	**Cowcod - South 5/**							
42	40°10-36°00' N. lat.	1 fish per landing	CLOSED	1 fish per landing			1 fish per landing	
43	South of 36°00' N. lat.	CLOSED	1 fish per landing	1 fish per landing			1 fish per landing	
44	**Minor Nearshore Rockfish**							
45	North	1,000 lb / 2 months, of which no more		1,000 lb / 2 months, of which no more			1,000 lb / 2 months,	
46		than 500 lb may be species		than 500 lb may be species			of which no more than 500 lb	
47		other than black or blue rockfish 6/		other than black or blue rockfish 6/			may be species other than	
							black or blue rockfish 6/	
48	South							
49	40°10-36°00' N. lat.	550 lb / 2 months	CLOSED	550 lb / 2 months			550 lb / 2 months	
50	South of 36°00' N. lat.	CLOSED	550 lb / 2 months	550 lb / 2 months			550 lb / 2 months	
51	**Lingcod 7/**	CLOSED		400 lb / month size limit 24 inches north, 26 inches south			CLOSED	

1/ Trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border.
"South" means 40 10' N. lat. to the US-Mexico border.

2/ There is no size limit for sablefish taken and retained with nontrawl gear in the open access fishery.
Management of the nontrawl sablefish fishery is described at paragraph IV.B.(2).

3/ Closed means it is prohibited to take and retain, possess, or land the designated species in the time or area indicated (see IV.A.(7)).

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 5 with a trip limit.

5/ Yellowtail rockfish in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

6/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

7/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Groundfish taken by exempted trawl gear (e.g., by vessels engaged in fishing for spot and ridgeback prawns, California halibut, and sea cucumbers.*

(a) *Trip limits.* No more than 300 lb (136 kg) of groundfish may be taken per vessel per fishing trip. Limits and closures in Table 5 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (*Squalas acanthias*) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish and thornyheads south of Pt. Conception, and the overall groundfish ''per trip'' limit may not be multiplied by the number of days of the fishing trip.

(b) *State law.* These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR part 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 pounds or more in the round, 3 and one-half pounds or more dressed with the head on, or 3 pounds or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR part 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code section 8396, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.* The trip limit for a vessel engaged in fishing for pink shrimp is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 2,000 lb (907 kg) of groundfish per trip. In any landing by vessels engaged in fishing for pink shrimp, the amount of groundfish landed may not exceed the amount of pink shrimp landed. Retention of thornyheads and lingcod is prohibited in months when the open access fishery for these species is closed. [This limit may be revised before the pink shrimp fishery starts its next season in April 2000.]

D. Recreational Fishery

(1) *California.* For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish.*

(i) *Seasons.* South of Cape Mendocino and north of 36° N. lat., recreational fishing for rockfish is closed from March 1 through April 30. South of 36° N. lat., recreational fishing for rockfish is closed from January 1 through February 29.

(ii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for rockfish is open, there is a 3-hook limit per fishing line, and the bag limit is 10 rockfish per day (excluding California scorpionfish), of which no more than 3 may be bocaccio (*Sebastes paucispinis*), no more than 3 may be canary rockfish (*S. pinniger*), and no more than 1 may be cowcod (*S. levis*). There is a per-boat limit of 2 cowcod. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iii) *Size limits.* The following rockfish size limits apply: bocaccio may be no smaller than 10 inches (25 cm), cabezon (*Scorpaenichthys marmoratus*) may be no smaller than 14 inches (36 cm), kelp greenling (*Hexagrammos decagrammus*) may be no smaller than 12 inches (30 cm), and California scorpionfish (*Scorpaena guttata*) may be no smaller than 10 inches (25 cm).

(iv) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. Cabezon taken in the recreational fishery may not be fileted at sea.

(b) *Lingcod.* South of Cape Mendocino and north of 36° N. lat., recreational fishing for lingcod is closed from March 1 through April 30. South of 36° N. lat., recreational fishing for lingcod is closed from January 1 through February 29. In times and areas when the recreational season for lingcod is open, there is a 3-hook limit per fishing line, and the bag limit is 2 lingcod per day, which may be no smaller than 26 inches (66 cm) TL. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are: 1 lingcod per day, which may be no smaller than 24 inches (61 cm) and no larger than 34″ (86 cm) TL; and 10 rockfish per day, of which no more than 3 may be canary rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish and no more than 2 may be yelloweye rockfish (*S. ruberrimus*).

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1, 2000 and March 31, 2000, and between November 1, 2000 and December 31, 2000. When the recreational season for lingcod is open, there is a bag limit of 1 lingcod per day, which may be no smaller than 24 inches (61 cm) TL.

V. Washington Coastal Tribal Fisheries

In late 1994, the U.S. government formally recognized that the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish available in the tribes' usual and accustomed (U and A) fishing areas (described at 50 CFR 660.324).

A tribal allocation is subtracted from the species OY before limited entry and open access allocations are derived. The treaty tribal fisheries for sablefish, black rockfish, and whiting are separate fisheries, not governed by the limited entry or open access regulations or allocations. The tribes regulate these fisheries so as not to exceed their allocations.

The tribal allocation for black rockfish is the same in 2000 as in 1999. The tribal allocation for sablefish remains at 10 percent of the landed catch OY and is the same as in 1999 at 713 mt.

The tribal allocation for Pacific whiting is 32,500 mt for the year 2000. Initially for 2000, the Makah proposed 32,500 mt for the Makah tribe alone, which was based on a long-term proposal developed by the tribe in 1998, which had varying levels of Makah allocation based on the level of the whiting OY. In addition, the Hoh tribe proposed 2,000 mt of whiting for a Hoh fishery. In subsequent discussions with a representative of the Makah tribe, the Makah representative indicated that the tribe is not fully certain that it will harvest the entire 32,500 mt in 2000. This is because the Makah allocation in 1999 was larger than the 1998 allocation and the tribe did not take the entire amount. In addition, because the Hoh fishery is new, and questions have been raised about it, it is uncertain how much of the 2,000 mt requested would actually be harvested. Therefore, NMFS believes the 32,500 mt should be adequate for the two tribes in the transitional year of 2000.

The Council recommended adopting a 32,500 mt tribal whiting set aside, the same amount as set aside in 1999. Some members of the industry continue to oppose a tribal whiting allocation, or oppose the level of allocation proposed by the tribes. NMFS, however, must provide an appropriate tribal whiting allocation.

NMFS believes that Washington coast treaty tribes have treaty rights to harvest half of the harvestable surplus of whiting found in their respective usual and accustomed fishing areas, in accordance with the legal principles elaborated in *U.S.* v. *Washington.* Under the legal principles of that case, the question becomes one of attempting to determine what amount of fish constitutes half the harvestable surplus of Pacific whiting in the usual and accustomed fishing areas, determined according to the conservation necessity principle. The conservation necessity principle means that the determination of the amount of fish available for harvest must be based solely on resource conservation needs. This determination is difficult because, with the exception of a case regarding Pacific halibut (*Makah* v. *Brown,* Civil No. C–85–1606R and *U.S.* v. *Washington,* Civil No. 9213–Phase I, Subproceeding No. 92–1 (W.D. Wash.)) most of the legal and technical precedents are based on the biology, harvest, and conservation requirements for Pacific salmon and shellfish, which are very different from those for Pacific whiting. Quantifying the tribal right to whiting is also complicated by data limitations and by the uncertainties of Pacific whiting biology and conservation requirements. In 1996 the Makah instituted a subproceeding in *U.S.* v. Washington, Civil No. 9213–Phase I, Subproceeding No. 96–2, regarding their treaty right to whiting, including the issue of the appropriate quantification of that right. The quantification issue has not yet been resolved through litigation or settlement. Taking into account the existing case law in *U.S.* v. *Washington,* the proposal and supporting arguments of the Makah tribe, the Hoh proposal, the comments from the Council and the public, and the existing uncertainty surrounding the appropriate quantification described above, NMFS is allocating 32,500 mt again in 2000 to the coastal tribes. NMFS anticipates that, based on the tribal proposals, the Hoh tribe will harvest up to 2000 mt and the Makah tribe will harvest the remainder of the allocation. This 2000 amount of 32,500 mt is not intended to set a precedent regarding either quantification of the Makah or Hoh treaty rights or future allocations. NMFS will continue to attempt to negotiate a settlement in *U.S.* v. *Washington* regarding the appropriate quantification of the treaty right to whiting. If an appropriate methodology or allocation cannot be developed through negotiations, the allocation will ultimately be resolved through litigation.

For some species on which the tribes have a modest harvest, no specific allocation has been determined. Rather than try to reserve specific allocations for the tribes, which may not be needed by the tribes, NMFS is establishing trip limits recommended by the tribes and the Council to accommodate modest tribal fisheries. For lingcod, all tribal fisheries will be restricted to 300 lb (126 kg) per trip. Tribal fisheries are not expected to take more than 2 mt of lingcod in 2000. For the *Sebastes* complex and other rockfish species, the 2000 tribal longline and trawl fisheries will operate under trip and cumulative limits. Tribal fisheries will operate under 300 lb (136 kg) ''per trip'' limits each for canary rockfish and for thornyheads, and under the same trip limits as the limited entry fisheries for all other rockfish. A 300 lb (136 kg) canary rockfish trip limit is expected to result in landings of 10,000–15,000 lb (5–7 mt). A 300 lb (136 kg) thornyhead limit is expected to result in landings of 9,000–10,000 lb (4–5 mt). Because of the small expected tribal groundfish catch, it is not anticipated that tribal trip limits will be reduced during the year unless OY's are achieved, or unless inseason catch statistics demonstrate that the tribes have taken half of the available harvest in the tribal U and A fishing areas.

The Assistant Administrator (AA) announces the following tribal allocations for 2000, including those that are the same as in 1999. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations:

A. Sablefish

The tribal allocation is 713 mt, 10 percent of the OY.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a HG of: 20,000 lb (9,072 kg) north of Cape Alava (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip limited.

(4) As published in this notice. The limits will not change unless the tribal limits are separately changed.

C. Lingcod

Lingcod are subject to a 300 lb (136 kg) trip limit.

D. Pacific whiting

The tribal allocation is 32,500 mt.

Classification

The final specifications and management measures for 2000 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

This package of specifications and management measures is a delicate balance designed to allow as much harvest of healthy stocks as possible, while protecting overfished and other depressed stocks. Delay in implementation of the measures could upset that balance and cause harm to some stocks and it could require unnecessarily restrictive measures later in the year to make up for the late implementation. Much of the data necessary for these specifications and management measures came from the current fishing year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these specifications and management measures in effect at the beginning of the 2000 fishing year, the AA has

determined that there is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment for the specifications and management measures. Amendment 4 to the FMP, implemented on January 1, 1991, recognized these timeliness considerations and set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 1999 where these recommendations were formulated. Additional public comments on the specifications and management measures, including the emergency rule will be accepted for 30 days after publication of this document in the **Federal Register**.

There is no time burden for the public to come into compliance with the harvest specifications and most management measures designed to achieve those specifications that are announced by this rule. Although some fishers may need to obtain some new gear components in order to access some species, other species are available using gear as currently configured. In addition, the Council was advised that the industry should be able to obtain the necessary gear in a timely manner. As described above, the interested public has participated in the Council process to formulate these regulations. The Council has provided information to the industry on the above management measures and specifications through the newsletters that it sends to fishery participants, and NMFS has provided notice through the U.S. Coast Guard Notice to Mariners, and Washington, Oregon, and California also disseminate information. Therefore, the AA finds, under 5 U.S.C. 553(d)(3), as applicable, that it would be unnecessary or contrary to the public interest to delay for 30 days the effective date of the specifications and management measures.

The AA also finds that meeting rebuilding goals for overfished stocks constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at U.S.C. 553(b)(B), as such procedures would be impracticable. Similarly, the need to implement the emergency regulations portions of this document in a timely manner to coincide with the start of the 2000 fishing season on January 1, constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), not to delay for 30 days the effective date of the emergency regulations.

This action has been determined to be not significant for purposes of E.O. 12866.

Because prior notice and opportunity for public comment are not required for the annual specifications and management measures, or for the emergency rule portion of this action by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

NMFS issued Biological Opinions (BOs) under the Endangered Species Act on August 10, 1990, November 26, 1991, August 8, 1992, September 27, 1993, and May 14, 1996, and a new BO was forwarded for signature along with this action, and was signed on December 15, 1999. This action pertains to the effects of the groundfish fishery on chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley, California coastal), chum salmon (Hood Canal, Columbia River), sockeye salmon (Snake River, Ozette Lake), steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California, south-central California, southern California), and Umpqua River cutthroat trout. The BOs have concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This action is within the scope of these consultations.

An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 and Supplemental EISs were prepared for Amendments 4 (1990) and 6 (1992) in accordance with the National Environmental Policy Act (NEPA). The alternatives considered and the environmental impacts of the actions in this notice are not significantly different than those considered in either the EIS or SEISs for the FMP, and the actions fall within the scope of these analyses. An environmental assessment (EA) prepared by the Council for the 2000 annual specifications and management measures was the basis for this conclusion.

Dated: December 23, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–33966 Filed 12–27–99; 4:10 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 65, No. 2
Tuesday, January 4, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–346–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing 777 series airplanes. This proposal would require a one-time inspection to detect cracking of the fastener holes common to the upper wing skins and trailing edge panels of both wings, and corrective actions, if necessary. This proposal also would require coldwork of the fastener holes and installation of new or serviceable fasteners. This proposal is prompted by a report indicating that fatigue cracks have been found in the upper wing skin of both wings. The actions specified by the proposed AD are intended to prevent fatigue cracking of the upper wing skin, which could result in reduced structural integrity of the wing.

DATES: Comments must be received by February 18, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–346–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2772; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–346–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–346–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that fatigue cracks have been found in the upper wing skin of both wings on a Boeing Model 777 test airplane. During fatigue testing of the airplane, two cracks were detected at 80,813 flight cycles. Both cracks were detected at the tab out for the outboard support fitting of the main landing gear beam. The crack found on the left upper wing skin was 1.5 inches in length, and the crack found in the right upper wing skin was 5.1 inches in length. Examination of the cracked parts was inconclusive as to when the cracks had initiated. Such fatigue cracking, if not detected and corrected, could result in reduced structural integrity of the wing.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 777–57A0022, dated August 26, 1999, which describes procedures for a one-time eddy current inspection to detect cracking of the fastener holes common to the upper wing skins and trailing edge panels of both wings, and corrective actions, if necessary. The corrective actions involve rework and re-inspection of the fastener hole. Additionally, for any fastener hole that may require rework and re-inspections, the corrective actions also involve measurement of the fastener hole diameter and edge margin to ensure specific limits are maintained. The alert service bulletin also describes procedures for coldwork of the fastener holes and installation of new or serviceable fasteners. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Alert Service Bulletin

Operators should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain conditions, this proposal would require the repair of those conditions to be accomplished in

accordance with a method approved by the FAA.

Cost Impact

There are approximately 82 airplanes of the affected design in the worldwide fleet. The FAA estimates that 33 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 13 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $216 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $32,868, or $996 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 99–NM–346–AD.

Applicability: Model 777 series airplanes having line numbers 1 through 119 inclusive, except line numbers 94, 102, 104, and 118, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the upper wing skin, which could result in reduced structural integrity of the wing, accomplish the following:

Eddy Current Inspection of Fastener Holes

(a) Prior to the accumulation of 16,000 total flight cycles or 40,000 total flight hours, whichever occurs earlier, perform a one-time eddy current inspection to detect cracking of the fastener holes common to the upper wing skins and trailing edge panels of both wings, in accordance with Boeing Alert Service Bulletin 777–57A0022, dated August 26, 1999.

Rework and Re-Inspection of Fastener Hole

(b) If any cracking is detected during the inspection required by paragraph (a) of this AD, prior to further flight, oversize the fastener hole and perform additional eddy current inspections to detect cracking of the fastener holes until all cracking is no longer detectable by means of eddy current inspection. Perform the actions in accordance with Boeing Alert Service Bulletin 777–57A0022, dated August 26, 1999. Prior to further flight, oversize the fastener hole an additional 1/32-inch minimum and measure the starting hole diameter and edge margin of the fastener hole, in accordance with the alert service bulletin.

(1) If the fastener hole diameter or the edge margin of any fastener hole is not within the limits specified in the alert service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, or a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) If the fastener hole diameter and edge margin of all the fastener holes are within the limits specified in the alert service bulletin, prior to further flight, accomplish the requirements of paragraph (c) of this AD.

Coldwork of Fastener Holes

(c) If no cracking is detected during the eddy current inspection required by paragraph (a), or the fastener hole diameter and edge margin of all the fastener holes are within the limits required by paragraph (b) of this AD, prior to further flight, coldwork the fastener holes and install new or serviceable fasteners, in accordance with Boeing Alert Service Bulletin 777–57A0022, dated August 26, 1999.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 28, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–50 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–186–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F27 Mark 050, 200, 500, and 600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F27 Mark 050, 200, 500, and 600 series airplanes. This proposal would require installation of certain components, and revisions of the Airplane Flight Manual. This action is necessary to prevent undetected failures of the horizontal and vertical stabilizer de-icing system, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by February 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–186–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule.

The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–186–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–186–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F27 Mark 050, 200, 500, and 600 series airplanes. The RLD advises that it has received reports of malfunctions of the tail de-icing system, in which one or more sections of the de-icing boots failed to inflate during icing conditions. The de-icing system did not provide a monitoring capability that would advise the flight crew in the event of a failure of the system. Later, following the installation of a monitoring function in the de-icing system on some airplanes, operators have reported occasional nuisance warnings caused by failure of a pressure switch in the monitoring system. These conditions, if not corrected, could result in undetected failures of the horizontal and vertical stabilizer de-icing system, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Fokker has issued Service Bulletins F27/30–44, dated February 20, 1998 (for Model F27 Mark 200, 500, and 600 series airplanes), and SBF50–30–025, Revision 2, dated October 21, 1998 (for Model F27 Mark 050 series airplanes). These service bulletins describe procedures for installation of a dedicated monitoring system for the horizontal and vertical stabilizer de-icing system. Service Bulletin F27/30–44 references Fokker F27 Manual Change Notification (MCNO) F27–004, dated February 10, 1998, and Service Bulletin SBF50–30–25, Revision 2, references Fokker F50 MCNO F50–001, dated October 23, 1997. These MCNO's describe Airplane Flight Manual (AFM) revisions to be accomplished following installation of the monitoring system. The AFM revisions provide instructions to the flight crew regarding operation of the airplane in the event of a failure of the de-icing system.

Fokker also has issued Service Bulletins F27/30–45 (for Model F27 Mark 200, 500, and 600 series airplanes) and SBF50–30–026 (for Model F27 Mark 050 series airplanes), both dated August 11, 1999. These service bulletins describe procedures for installation of a modified pressure switch in the monitoring system for the horizontal and vertical stabilizer de-icing system.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The RLD classified these service bulletins as mandatory and issued Dutch airworthiness directives 1998–019/2 and 1997–113/3, both dated June 18, 1999, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

These airplane models are manufactured in the Netherlands and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service information described previously. The proposed AD also would require, for certain Model F27 Mark 050 series airplanes, an AFM revision for checks of the de-icing system prior to flights into known or forecast icing conditions.

Differences Between Proposed Rule and Dutch Airworthiness Directives

The proposed AD would differ from the parallel Dutch airworthiness directives in that it would not require a revision to the Master Minimum Equipment List (MMEL) to allow dispatch with the monitoring system of the tail de-icing system deactivated, but would require installation of the modified pressure switch within 18 months after the effective date of the AD. Due to concerns of an insufficient quantity of modified pressure switches, the Dutch airworthiness directives specify amendment of the MMEL for deactivation of the de-icing monitoring system if the existing pressure switches fail, and specify installation of the modified switches ''within 10 days after they become available.'' However, after further discussion with the manufacturer, the FAA has been advised that an adequate number of modified pressure switches will be available to support installation within an 18-month compliance time. The FAA has determined that requiring the concurrent installation of the de-icing monitoring system and the modified pressure switches is appropriate to address the identified unsafe condition.

Cost Impact

The FAA estimates that 37 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed AFM revision for operation of the airplane in the event of a failure of the de-icing system, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed AFM revision on U.S. operators is estimated to be $2,220, or $60 per airplane.

It would take approximately 125 work hours per airplane to accomplish the proposed installations, at an average labor rate of $60 per work hour. Required parts would cost approximately $11,000 per airplane. Based on these figures, the cost impact of the proposed installations on U.S. operators is estimated to be $684,500, or $18,500 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

None of the Model F27 Mark 050 series airplanes affected by this action are on the U.S. Register. Should an affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 1 work hour per airplane to accomplish the proposed AFM revision for checks of the de-icing system, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed AFM revision on U.S. operators is estimated to be $60 per airplane.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker Services B.V: Docket 98–NM–186–AD.

Applicability: Model F27 Mark 050 series airplanes as listed in Fokker Service Bulletin SBF50–30–025, Revision 2, dated October 21, 1998; and Model F27 Mark 200, 500, and 600 series airplanes, serial numbers 10603 through 10692 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent undetected failures of the horizontal and vertical stabilizer de-icing system, which could result in reduced controllability of the airplane, accomplish the following:

AFM Revision (Mark 050 Airplanes)

(a) For Model F27 Mark 050 series airplanes on which a de-icing distributor valve heating system has not been installed (Reference Fokker Service Bulletin SBF50–30–024): Within 10 days after the effective date of this AD, revise the Limitations and Normal Procedures Sections of the FAA-approved Airplane Flight Manual (AFM) to include the following information. This may be accomplished by inserting a copy of this AD into the AFM.

''PRE-FLIGHT INSPECTION PROCEDURE FOR FLIGHTS INTO KNOWN OR FORECAST ICING CONDITIONS

- Cycle the airframe de-icing system twice through the Manual 1 and 2 position during ground operation.
- Visually check the tailplane leading edge de-icing boots for inflation.''

Installations and AFM Revision (Mark 050 Airplanes)

(b) For Model F27 Mark 050 series airplanes: Within 18 months after the effective date of this AD, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(1) Install a monitoring system for the horizontal and vertical stabilizer de-icing system in accordance with Fokker Service Bulletin SBF50–30–025, Revision 2, dated October 21, 1998. Prior to further flight thereafter, revise the FAA-approved AFM to incorporate the flight manual changes described in Fokker Manual Change Notification (MCNO) F50–001, dated October 23, 1997. Following accomplishment of the installation, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

(2) Install a modified pressure switch in the monitoring system in accordance with Fokker Service Bulletin SBF50–30–026, dated August 11, 1999.

Installations and AFM Revision (Mark 200, 500, 600 Airplanes)

(c) For Model F27 Mark 200, 500, and 600 series airplanes: Within 18 months after the effective date of this AD, accomplish the requirements of paragraphs (c)(1) and (c)(2) of this AD.

(1) Install a monitoring system for the horizontal and vertical stabilizer de-icing system in accordance with Fokker Service Bulletin F27/30–44, dated February 20, 1998. Prior to further flight thereafter, revise the FAA-approved AFM to incorporate the flight manual changes described in Fokker MCNO F27–004, dated February 10, 1998.

(2) Install a modified pressure switch in the monitoring system in accordance with Fokker Service Bulletin F27/30–45, dated August 11, 1999.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in Dutch airworthiness directives 1998–019/2, and 1997–113/3, both dated June 18, 1999.

Issued in Renton, Washington, on December 28, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–47 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–211–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A300, A310, and A300–600 series airplanes. This proposal would require repetitive eddy current inspections to detect cracking on the door edge frames of the fuselage bulk cargo compartment, and repair, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct cracks in the door edge frames of the fuselage bulk cargo compartment, which could result in reduced structural integrity of the airframe.

DATES: Comments must be received by February 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–211–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–211–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–211–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A300, A310, and A300–600 series airplanes. The DGAC advises that, during routine maintenance on a Model A300 series airplane, stress corrosion induced cracks were found in door edge frames FR67 and FR69 of the bulk cargo compartment between stringers 33 and 48 (right-hand side). This condition, if not corrected, could result in reduced structural integrity of the airframe.

The subject door edge frames on Airbus Model A310 and A300–600 series airplanes are identical to those on the affected Airbus Model A300 series airplanes. Therefore, all of these airplanes may be subject to the same unsafe condition.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A300–53–0339, Revision 1, dated July 28, 1998, including Appendix 01 (for Model A300 series airplanes); A310–53–2106 (for Model A310 series airplanes), dated October 2, 1997, including Appendix 01; and A300–53–6114, dated October 2, 1997, including Appendix 01 (for Model A300–600 series airplanes). These service bulletins describe procedures for a one-time eddy current inspection to detect cracks in the door edge frames of the bulk cargo compartment, and repair of the door edge frame, if necessary. The service bulletins also describe procedures for reporting the results of the inspection to

Airbus. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 98–123–245(B), dated March 11, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below. This proposed AD also would provide for optional terminating action for the repetitive inspections.

The FAA has determined that the repetitive inspections proposed by this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in the case of this proposed AD, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect cracking before it represents a hazard to the airplane.

Differences Between Proposed Rule and Foreign Airworthiness Directive

The proposed AD would differ from the parallel French airworthiness directive in that it would require the eddy current inspection to be repeated at intervals not to exceed 5 years. The FAA has determined that, because of the unpredictable nature of stress corrosion induced crack propagation, repetitive inspections are necessary. In addition, the DGAC has informed the FAA that it may consider revising its airworthiness directive to also require repetitive eddy current inspections.

Operators also should note that, unlike the parallel French airworthiness directive, this proposed AD would not permit further flight if cracks are detected in the door edge frames. The FAA has determined that, because of the safety implications and consequences associated with such cracking, any subject door edge frame that is found to be cracked must be repaired prior to further flight.

Interim Action

This is considered to be interim action. The inspection reports that are required by this proposed AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the cracking, and eventually to develop final action to address the unsafe condition. Once final action has been identified, the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 126 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $15,120, or $120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 98–NM–211–AD.

Applicability: Model A300 series airplanes on which Airbus Modification 2140 (reference Airbus Service Bulletin A300–53–109) has been accomplished; and Model A310 and A300–600 series airplanes, except those airplanes on which Airbus Modification 5438 was accomplished during production; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracks in the door edge frames of the bulk cargo compartment, which could result in reduced structural integrity of the airframe, accomplish the following:

Repetitive Inspections

(a) Perform an eddy current inspection to detect cracking in the inner and outer flanges on the door edge frames of the fuselage bulk cargo compartment, in accordance with Airbus Service Bulletins A300–53–0339, Revision 1, dated July 28, 1998, including Appendix 01 (for Model A300 series airplanes); A310–53–2106, dated October 2, 1997, including Appendix 01 (for Model A310 series airplanes); or A300–53–6114,

dated October 2, 1997, including Appendix 01 (for Model A300–600 series airplanes); as applicable; at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 5 years.

(1) For airplanes with less than 15 years since date of manufacture as of the effective date of this AD: Inspect within 10 years since date of manufacture, or within 12 months after the effective date of this AD, whichever occurs later.

(2) For airplanes with 15 or more years since date of manufacture as of the effective date of this AD: Inspect within 6 months after the effective date of this AD.

Note 2: For Model A300 series airplanes, accomplishment of an eddy current inspection prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–53–0339, dated October 2, 1997, is considered acceptable for compliance with the initial eddy current inspection required by paragraph (a) of this AD.

Corrective Actions

(b) If any crack is detected during any inspection required by paragraph (a) of this AD, prior to further flight, repair the door edge frame in accordance with Airbus Service Bulletins A300–53–0339, Revision 1, dated July 28, 1998 (for Model A300 series airplanes); A310–53–2106 (for Model A310 series airplanes), dated October 2, 1997; or A300–53–6114 (for Model A300–600 series airplanes), dated October 2, 1997; as applicable. Complete replacement of a door edge frame with a new door frame in accordance with the service bulletin constitutes terminating action for the repetitive inspections required by this AD for that door frame only.

Report Requirements

(c) Submit a report of the inspection results (both positive and negative findings) to Airbus Industrie, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, at the applicable time specified in paragraph (e)(1) or (e)(2) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which any inspection is accomplished after the effective date of this AD: Submit the report within 30 days after performing any inspection required by paragraph (a) or (b) of this AD.

(2) For airplanes on which the inspection has been accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in French airworthiness directive 98–123–245(B), dated March 11, 1998.

Issued in Renton, Washington, on December 28, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–48 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 216

[Docket No. 99N–4490]

Additions to the List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations to add two drug products to the list of drug products that may not be used for pharmacy compounding under the exemptions provided by the Federal Food, Drug, and Cosmetic Act (the act) because they have had their approval withdrawn or were removed from the market because the drug product or its components have been found to be unsafe or not effective.

DATES: Written comments must be received on or before March 20, 2000.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

President Clinton signed the Food and Drug Administration Modernization Act (Public Law 105–115) into law on November 21, 1997. One of the issues addressed in the legislation is the applicability of the act to the practice of pharmacy compounding. Compounding involves a process whereby a pharmacist or physician combines, mixes, or alters ingredients to create a customized medication for an individual patient. Section 127 of the Modernization Act, which adds section 503A to the act (21 U.S.C. 353a), describes the circumstances under which compounded drugs qualify for exemptions from certain adulteration, misbranding, and new drug provisions of the act (i.e., sections 501(a)(2)(B), 502(f)(1), and 505 of the act (21 U.S.C. 351(a)(2)(B), 352(f)(1), and 355)).

Section 503A of the act contains several conditions that must be satisfied for pharmacy compounding to qualify for the exemptions. One of the conditions is that the licensed pharmacist or licensed physician does not ''compound a drug product that appears on a list published by the Secretary in the **Federal Register** of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective.''

II. Rulemaking to Establish the List

In the **Federal Register** of October 8, 1998 (63 FR 54082), we proposed the original list of drug products that have had their approval withdrawn or were removed from the market because the drug product or its components have been found to be unsafe or not effective. We published the original list as a final rule in the **Federal Register** of March 8, 1999 (64 FR 10944). You may wish to read these documents for additional information about the list. The two **Federal Register** documents may be found on the Center for Drug Evaluation and Research's website at http://www.fda.gov/cder/pharmcomp/default.htm or the Government Printing Office's website at http://www.access.gpo.gov/su docs/aces/aces140.html.

The list was codified as § 216.24 of Title 21 in the Code of Federal Regulations (CFR) (21 CFR 216.24). This is the first time we have proposed to amend the list.

III. Description of this Proposed Rule

We are proposing that the drug products described below be added to

the list of drug products that have had their approval withdrawn or were removed from the market because the drug product or its components have been found to be unsafe or not effective. Compounding a drug product that appears on the list is not covered by the exemption provided in section 503A(a) of the act, and it may be subject to enforcement action under sections 501(a)(2)(B), 502(f)(1), and 505 (among other applicable provisions) of the act.

Aminopyrine: All drug products containing aminopyrine. Drug products containing aminopyrine were used as an analgesic and an antipyretic. Aminopyrine caused agranulocytosis, a condition characterized by a decrease in the number of certain white blood cells and lesions on the mucous membrane and skin. Some of the cases of agranulocytosis were fatal. In 1964, we declared drug products containing aminopyrine to be new drugs. We invited new drug applications (NDA's) for these drug products, but only for use as an antipyretic in serious situations where other safer drugs could not be used (see 21 CFR 201.311 (42 FR 53954, October 4, 1977)). We received no NDA's for drug products containing aminopyrine, and those unapproved drug products were removed from the market by their manufacturers (see 42 FR 53954).

Astemizole: All drug products containing astemizole. Astemizole tablets were marketed under the trade name Hismanal and were indicated for the relief of symptoms associated with seasonal allergic rhinitis and chronic idiopathic urticaria. We approved the NDA for astemizole tablets in December 1988. Within a few years of the approval, it was learned that low-level overdosages of astemizole were resulting in life-threatening heart arrhythmias. Patients with liver dysfunction or who were taking other drugs that interfered with the metabolization of astemizole were also found to be at risk of serious cardiac adverse events while taking astemizole. The manufacturer of astemizole tablets, the only astemizole drug product, removed the product from the market on June 18, 1999. We published a notice in the **Federal Register** of August 23, 1999 (64 FR 45973), announcing our determination that astemizole tablets were withdrawn from the market for safety reasons.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

We have examined the impacts of the proposed rule under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C 601–612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million or adversely affecting in a material way a sector of the economy, competition, or jobs, or if it raises novel legal or policy issues. As discussed below, the agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The agency has not estimated any compliance costs or loss of sales due to this proposed rule because it prohibits pharmacy compounding of only those drug products that have already been withdrawn or removed from the market. Although the agency is not aware of any routine use of these drug products in pharmacy compounding, the agency invites the submission of comments on this issue and solicits current compounding usage data for these drug products.

Unless an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options to minimize any significant economic impact of a regulation on small entities. The agency is taking this action to comply with section 503A of the act. This provision specifically directs us to develop a list of drug products that have been withdrawn or removed from the market because such products or components have been found to be unsafe or not effective. Any drug product on this list will not qualify for the pharmacy compounding exemptions under section 503A of the act.

The drug products that are proposed to be added to the this list were manufactured by several different pharmaceutical firms, some of which may have qualified under the Small Business Administration (SBA) regulations (those with less than 750 employees) as small businesses. However, since the list only includes drug products that have already been withdrawn or removed from the market for safety or efficacy concerns, this proposal will not negatively impact these small businesses. Moreover, no compliance costs are estimated for any of these small pharmaceutical firms because they are not the subject of this rule and are not expected to realize any further loss of sales due to this proposal. Further, the SBA guidelines limit the definition of small drug stores or pharmacies to those that have less than $5.0 million in sales. Again, the pharmacies that qualify as small businesses are not expected to incur any compliance costs or loss of sales due to this regulation because the products have already been withdrawn or removed from the market, and the agency believes that these drugs would be compounded only very rarely, if ever. Therefore, we certify that this rule will not have a significant economic impact on a substantial number of small entities.

Section 202 of the Unfunded Mandates Reform Act requires that agencies prepare an assessment of anticipated costs and benefits before proposing any expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million (adjusted annually for inflation) in any one year. The publication of the list of products withdrawn or removed from the market because they were found to be unsafe or ineffective will not result in expenditures of funds by State, local, and tribal governments or the private sector in excess of $100 million annually. Because the agency does not estimate any annual expenditures due to the proposed rule, we are not required to perform a cost/benefit analysis according to the Unfunded Mandates Reform Act.

VI. Paperwork Reduction Act of 1995

We tentatively conclude that this proposed rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VII. Request for Comments

Interested persons may, on or before March 20, 2000, submit to the Dockets

Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 216

Drugs, Pharmacy compounding, Prescription drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 216 be amended as follows:

PART 216—PHARMACY COMPOUNDING

1. The authority citation for 21 CFR part 216 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 353a, 355, and 371.

2. Amend § 216.24 by adding alphabetically to the list of drug products ''Aminopyrine'' and ''Astemizole'' to read as follows:

§ 216.24 Drug products withdrawn or removed from the market for reasons of safety or effectiveness.

* * * * *

Aminopyrine: All drug products containing aminopyrine.

Astemizole: All drug products containing astemizole.

* * * * *

Dated: December 10, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–76 Filed 1–3–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–105606–99]

RIN 1545–AX05

Credit for Increasing Research Activities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the computation of the credit for increasing research activities (the research credit) for members of a controlled group and the allocation of the credit under section 41(f) of the Internal Revenue Code. These proposed regulations are intended to provide guidance on the proper method for computing the research credit for members of a controlled group and the proper method for allocating the group credit to members of the group. These proposed regulations reflect changes to section 41 made by the Revenue Reconciliation Act of 1989 (the 1989 Act). This document also provides notice of a public hearing on these regulations.

DATES: Written or electronic comments must be received no later than April 5, 2000. Outlines of topics to be discussed at the public hearing scheduled for April 26, 2000 at 10 a.m. must be received by April 5, 2000.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–105606–99), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–105606–99), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option of the IRS Home Page, or by submitting comments directly to the IRS Internet site at: http://www.irs.gov/prod/taxregs/regslist.html. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Lisa J. Shuman at (202) 622–3120 (not a toll-free number); concerning submission of comments, the hearing, and/or to be placed on the building access list to attend the hearing, La Nita Van Dyke at (202) 622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224. Comments on the collection of information should be received by March 6, 2000. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information in this proposed regulation is contained in the preamble under the heading ''Proposed Effective Date.'' The information is required by the IRS to ensure that members of a controlled group filing claims for refund based on a change in method of allocating the research credit to members of the group do not together claim in excess of 100% of the credit with respect to prior taxable years.

Estimated total annual reporting burden: 200 hours.

Estimated average annual burden hours per respondent: 20 hours.

Estimated number of respondents: 10.

Estimated frequency of responses: On occasion.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

The research credit provisions originally appeared in section 44F of the Internal Revenue Code of 1954 (the 1954 Code), as added to the 1954 Code by section 221 of the Economic Recovery Tax Act of 1981. Section 471(c) of the Tax Reform Act of 1984 redesignated section 44F as section 30. Section 231

of the Tax Reform Act of 1986 (the 1986 Act) redesignated section 30 as section 41 and substantially modified the research credit provisions. The 1989 Act substantially revised the computation of the research credit.

On May 17, 1989, the IRS published in the **Federal Register** (54 FR 21203) final regulations under section 41. The 1989 final regulations generally do not reflect the amendments to section 41 made by the 1986 Act, the 1989 Act, and other subsequent legislative revisions to the research credit.

The amendments proposed by this document contain proposed rules relating to the computation of the research credit for members of a controlled group and the allocation of the credit under section 41(f). These proposed regulations reflect changes to the research credit rules made by the 1989 Act and Small Business Job Protection Act of 1996, which introduced the alternative incremental research credit.

Pre-1990 Rules for Computing the Research Credit for Members of a Controlled Group and Allocating the Credit among Members of the Group

Prior to the enactment of the 1989 Act, the research credit was computed by multiplying the credit rate by the excess of the taxpayer's current year qualified research expenses over the average of the taxpayer's qualified research expenses for the preceding three years.

Before amendment by the 1989 Act, section 41(f)(1) provided rules for computing the research credit for members of a controlled group (generally a group of corporations or unincorporated businesses linked by common ownership of more than 50 percent). Section 41(f)(1) treated all members of a controlled group as a single taxpayer for purposes of computing the credit and allocated the credit to the members of the group based on the member's proportionate share of the increase in qualified research expenses giving rise to the credit.

The legislative history to the 1981 Act indicates that the research credit aggregation rules were enacted to ensure that the research credit would be allowed only for actual increases in research expenditures. The aggregation rules were intended to prevent artificial increases in research expenditures by shifting expenditures among commonly controlled or otherwise related persons. H. Rep. No. 97–201, 1981–3 C.B. (Vol. 2) 364 and Sen. Rep. 97–144, 1981–3 C.B. (Vol. 2) 442.

An example that appears in both § 1.41–8(a)(4) of the 1989 regulations and the legislative history to the 1981 Act illustrates the computation and allocation of the research credit under section 41(f)(1) before the 1989 Act amendments to the research credit computation. In the example, the allowable group research credit is allocated among the members experiencing an increase in qualified research expenses over their base period research expenses. The member allocation is based on the ratio that each member's increase in its qualified research expenses over its base period research expenses bears to the sum of the group's increases in qualified research expenses.

Post-1989 Rules for Computing the Research Credit for Members of a Controlled Group and Allocating the Regular Research Credit among Members of the Group

In the 1989 Act, Congress revised the computation of the research credit. Congress retained the incremental structure of the credit but altered the computation to focus on whether and the extent to which a taxpayer increases the proportion of its qualified research expenses relative to its gross receipts.

Under section 41, as amended in 1989, the research credit is computed by multiplying the credit rate by the excess of the taxpayer's current year qualified research expenses over a ''base amount.'' The base amount is defined in section 41(c) as the greater of: (1) Fifty percent of the taxpayer's credit year qualified research expenses (the minimum base amount); or, (2) the taxpayer's ''fixed-base percentage'' times the taxpayer's average annual gross receipts for the four taxable years preceding the taxable year for which the credit is being determined.

In general, a taxpayer's fixed-base percentage is defined in section 41(c)(3)(A) as the ratio that the taxpayer's aggregate qualified research expenses for its taxable years beginning after December 31, 1983, and before January 1, 1989 bear to its aggregate gross receipts for the same period. Section 41(c)(3)(B) provides rules for computing the fixed-base percentage for start-up companies. Section 41(c)(3)(C) provides that the maximum fixed-base percentage is 16%.

Section 41(f)(1), as amended by the 1989 Act, continues to provide rules for computing the research credit for members of a controlled group. As under prior law, all members of a controlled group are treated as a single taxpayer for purposes of computing the credit. However, the allocation rule was amended to eliminate any reference to an ''increase'' in qualified research expenses. Under the amended allocation rule, the group credit is allocated among the members of the group based on each member's ''proportionate share of the qualified research expenses and basic research payments giving rise to the credit.''

In explaining the 1989 Act revisions to the research credit, the House Report simply states that the rules relating to the aggregation of related persons and changes in ownership are the same as under present law with the modification that when a business changes hands, qualified research expenses and gross receipts for periods prior to the change of ownership are treated as transferred with the trade or business which gave rise to those expenditures and receipts for purposes of recomputing a taxpayer's fixed-base percentage. H. Rep. No. 101–247 at 1202. The legislative history to the 1989 Act does not refer to the elimination of the word ''increase'' from the allocation rule.

In the light of the statutory changes enacted in 1989, taxpayers have questioned the proper method for computing the research credit for members of a controlled group and the proper method for allocating the group credit to members of the group under the new rules.

The proposed regulations provide that, for purposes of computing the group credit, all of the computational rules of section 41 are applied on an aggregate basis. This is consistent with the statutory prescription that the controlled group be treated as a single taxpayer and is necessary to preclude taxpayers from creating artificial increases in the credit by shifting qualified research expenses and gross receipts among commonly controlled or otherwise related persons.

In proposing rules for the allocation of the credit, Treasury and the IRS considered, but were not persuaded by, certain taxpayers' argument that the elimination of the word ''increase'' from the allocation rule in the statute requires that the credit be allocated on the basis of the gross amount of qualified research expenses incurred by the various members of the controlled group. Treasury and the IRS believe that elimination of the word ''increase'' was necessitated by the 1989 statutory amendments to the computation of the research credit, which afford a credit in certain circumstances even where the taxpayer (or each member of a controlled group) is decreasing its gross amount of qualified research expenses (*e.g.,* because the taxpayer's gross receipts also are decreasing). However,

there is no indication that the elimination of the word ''increase'' was intended to suggest that the credit be allocated without regard to its incremental nature. To the contrary, the statutory prescription that the credit be allocated according to each member's proportionate share of the qualified research expenses ''giving rise to'' the credit supports a rule that allocates the credit to those members whose share of current year qualified research expenses exceeds their share of the base amount. Thus, the proposed regulation provides that the group research credit is allocated to each member based on the ratio that the member's increase in its qualified research expenses over its base amount bears to the sum of each member's increase in qualified research expenses over its base amount. The member's base amount is computed by multiplying the group fixed-base percentage by the member's average annual gross receipts for the four preceding tax years.

In order to prevent manipulation of the amount of credit allocated to a consolidated group of corporations that is a member of a controlled group with other taxpayers, Treasury and the IRS considered a special rule for allocating the research credit that would treat all members of a consolidated group as a single taxpayer for purposes of allocating the research credit among members of the controlled group. Treasury and the IRS request comments on special rules for allocating the research credit among members of a controlled group that contains a consolidated group of corporations.

Allocation of the Credit for Basic Research Payments and the Alternative Incremental Research Credit

The proposed regulations also address the computation and allocation of the group credit for basic research payments (certain amounts paid to qualified organizations for basic research) and for the alternative incremental research credit (an elective alternative method of computing the research credit, under which taxpayers are assigned a lower three-tiered fixed base percentage, and the credit rate is reduced).

As in the case of the regular credit for qualified research expenses, the proposed regulations provide that all computations with respect to the group credit for basic research payments and the alternative incremental research group credit are undertaken on an aggregate basis. Similarly, these group credits are allocated to the various group members on an incremental basis.

Proposed Effective Date

The regulations generally are proposed to be applicable for taxable years ending on or after the date proposed regulations are filed with the **Federal Register**, but are also proposed to be retroactive in certain limited circumstances to prevent abuse. To prevent taxpayers that are members of a controlled group from together claiming in excess of 100% of the credit with respect to prior taxable years, the rules for allocating the group credit would apply to any taxable year beginning after December 31, 1989, in which, as a result of inconsistent methods of allocation, the members of a controlled group as a whole claimed more than 100% of the allowable group credit. In the case of a group whose members have different taxable years and whose members used inconsistent methods of allocation, the members of the group as a whole shall be deemed to have claimed more than 100% of the allowable group credit.

No claim for refund (1) Attributable to a change in method of allocation; (2) Pertaining to a taxable year ending before the date the proposed regulations are filed with the **Federal Register;** and (3) Filed after the date these proposed regulations are filed with the **Federal Register** will be allowed unless the taxpayer submits a statement identifying all members of the controlled group for the taxable year at issue. The statement must contain a declaration signed by the taxpayer under penalties of perjury that states: ''To the best of my knowledge and belief, taking into account prior claims, this amended claim and any related adjustments, no more than the total amount of the group credit will be allocated to the members of the controlled group.''

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that the collection of information contained in these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the expectation that few, if any, small entities will file claims for refund attributable to a change in method of allocating the research credit among members of its controlled group. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably a signed original and eight (8) copies) or electronic comments are submitted timely to the IRS. Treasury and the IRS request comments on the clarity of the proposed regulations and how they may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for April 26, 2000 at 10 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written or electronic comments and an outline of the topics to be discussed and the time to be devoted to each topic (preferably a signed original and eight (8) copies by April 5, 2000). A period of 10 minutes will be allotted to each person making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is Lisa J. Shuman of the Office of the Assistant Chief Counsel (Passthroughs and Special Industries). However, personnel from other offices of the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.41–0, the table of contents is amended by revising the entries for § 1.41–8(a), (a)(1), (a)(4), and (b) and adding entries for § 1.41–8(a)(5) and (a)(6) to read as follows:

§ 1.41–0 Table of contents.

* * * * *

1.41–8 Aggregation of expenditures.

(a) Controlled group of corporations; trades or businesses under common control.

(1) In general.

* * * * *

(4) Allocation of credit for basic research payments.

(5) Allocation of alternative incremental research credit.

(6) Examples.

(b) For taxable years beginning before January 1, 1990.

* * * * *

Par. 3. In § 1.41–8, paragraphs (a)(1), (a)(4), (b), and (c)(1) are revised and paragraphs (a)(5) and (a)(6) are added to read as follows:

§ 1.41–8 Aggregation of expenditures.

(a) *Controlled group of corporations; trades or businesses under common control*—(1) *In general.* In determining the amount of the credit for increasing research activities allowed with respect to a trade or business that at the end of its taxable year is a member of a controlled group of corporations or a member of a group of trades or businesses under common control, all members of the group are treated as a single taxpayer. Thus, for purposes of determining the amount of the credit, all of the rules in section 41, including, for example, the rules in section 41(c)(2) (pertaining to the minimum base amount), section 41(c)(3)(B) (pertaining to the fixed-base percentage for start-up companies), and section 41(c)(3)(C) (pertaining to maximum base amount) are applied only to the aggregate computation of the base amount. The credit (if any) allowed to any member is determined on the basis of the ratio that its increase (if any) in its qualified research expenses over its base amount bears to the aggregate increases in qualified research expenses over the base amount of all members of the group. For purposes of the preceding sentence, a member computes its base amount by multiplying the group fixed-base percentage by the member's average annual gross receipts for the four preceding tax years.

* * * * *

(4) *Allocation of credit for basic research payments.* The credit (if any) attributable to basic research payments allowed to a member is determined on the basis of the ratio that its excess (if any) of basic research payments over its qualified organization base period amount bears to the aggregate excess of basic research payments over the qualified organization base period amount of all members in the group. For purposes of the preceding sentence, a member computes its qualified organization base period amount using similar principles to those used in paragraph (a)(1) to determine the member's base amount.

(5) *Allocation of alternative incremental research credit.* If the credit is computed under the alternative incremental research credit rules, the credit (if any) allowed to the member is determined on the basis of the ratio that its excess (if any) of qualified research expenses over 1% of its average annual gross receipts for the four taxable years preceding the taxable year for which the credit is being determined bears to the aggregate excess of qualified research expenses over 1% of the average annual gross receipts of all members of the group for the four taxable years preceding the taxable year for which the credit is being determined.

(6) *Examples.* The following examples illustrate the provisions of this paragraph (a):

Example 1. (i) *Facts.* A controlled group of three corporations (all of which are calendar-year taxpayers) had qualified research expenses for the credit year 1999, qualified research expenses for the period 1984 through 1988, gross receipts for the period 1984 through 1988, and average annual gross receipts for the four years preceding the credit year as follows:

	A	B	C	Total
Credit year qualified research expenses	$200x	$20x	$110x	$330x
1984–1988 qualified research expenses	40x	10x	100x	150x
1984–1988 gross receipts	1,000x	350x	150x	1500x
Average annual gross receipts for 4 years preceding credit year	1,200x	200x	300x	1700x

(ii) *Computation of the group credit.* (A) The group research credit is computed as if the three corporations are one taxpayer. The research credit is equal to 20 percent of the excess of the group's aggregate credit year qualified research expenses over the group's base amount.

(B) The group's base amount equals the greater of fifty percent of the group's credit year qualified research expenses (the minimum base amount); or, the group's fixed-base percentage times the group's average annual gross receipts for the four taxable years preceding the credit year. The group's fixed-base percentage is the ratio that the group's aggregate qualified research expenses for the taxable years beginning after December 31, 1983, and before January 1, 1989 bear to its aggregate gross receipts for the same period. Therefore, the group's fixed-base percentage is 150x/1500x or 10% and the group's base amount is $170x, the greater of 50% of $330 or 10% of $1,700x.

(C) The group's research credit is equal to 20 percent of the excess of the group's aggregate credit year qualified research expenses over the group's base amount. That is 20% of ($330x—$170x) or $32x.

(iii) *Allocation of the group credit.* The group research credit of $32x is allocated to the members of the group based on the ratio that the member's increase in its qualified research expenses over the member's base amount bears to the sum of the member increases in qualified research expenses over their base amounts. The member's base amount is computed by multiplying the group fixed-base percentage of 10% by the member's average annual gross receipts for the four preceding tax years. The $32x credit is allocated as follows:

Member	Credit year qualified research expenses	Member base amount	Increase	Ratio	Credit
A	$200x	$120x	$80x	80/160	$16x

Member	Credit year qualified research expenses	Member base amount	Increase	Ratio	Credit
B	20x	20x		0.	
C	110x	30x	80x	80/160	16x

Example 2. (i) *Facts.* The facts are the same as in *Example 1* except that A had no qualified research expenses during the credit year. The following table shows the group's qualified research expenses for the credit year, qualified research expenses for the period 1984 through 1988, gross receipts for the period 1984 through 1988, and average annual gross receipts for the four years preceding the credit year:

	A	B	C	Total
Credit year qualified research expenses	0	$20x	$110x	$130x
1984–1988 qualified research expenses	$40x	10x	100x	150x
1984–1988 gross receipts	1,000x	350x	150x	1500x
Average annual gross receipts for 4 years preceding credit year	1,200x	200x	300x	1700x

(ii) *Computation of the group credit.* Under these facts, the controlled group's credit year qualified research expenses are less than the group's base amount of $170x, and no credit is allowed to the group unless the group elects to use the alternative incremental research credit under section 41(c)(4). If the group elects to use the alternative incremental credit under section 41(c)(4), the group is allowed a credit equal to .0165($25.5x − $17x) + .022($34x − $25.5x) + .0275($130x − $34x) or $2.96725x.

(iii) *Allocation of the group credit.* Assuming that the group elects to use the alternative incremental research credit under section 41(c)(4), the group research credit of $2.96725x is allocated to the members of the group based on the ratio that the member's qualified research expenses over one percent of the member's average annual gross receipts for the four preceding years bears to the sum of the member increases in qualified research expenses over one percent of their average annual gross receipts for the four preceding years. The $2.96725x credit is allocated as follows:

Member	Credit year qualified research expenses	1 percent of member average annual gross receipts for 4 preceding tax years	Increase	Ratio	Credit
A	0	$12x	0	0.	
B	$20x	2x	$18x	18/125	.427284x
C	110x	3x	107x	107/125	2.539966x

Example 3. (i) *Facts.* A controlled group of three corporations (all of which are calendar-year taxpayers) had qualified research expenses for the credit year 1999, qualified research expenses for the period 1984 through 1988, gross receipts for the period 1984 through 1988, and average annual gross receipts for the four years preceding the credit year as follows:

	A	B	C [1]	Total
Credit year qualified research expenses	$200x	$20x	$50x	$270x
1984–1988 qualified research expenses	55x	15x	0	70x
1984–1988 gross receipts	1000x	400x	0	1400x
Average annual gross receipts for 4 years preceding credit year	1200x	200x	0	1400x

[1] C began business in 1999.

(ii) *Computation of the group credit.* (A) The group research credit is computed as if the three corporations are one taxpayer. The research credit is equal to 20 percent of the excess of the group's aggregate credit year qualified research expenses over the group's base amount.

(B) The group's base amount equals the greater of: fifty percent of the group's credit year qualified research expenses (the minimum base amount), or, the group's fixed-base percentage times the group's average annual gross receipts for the four taxable years preceding the credit year. The group's fixed-base percentage is the ratio that the group's aggregate qualified research expenses for the taxable years beginning after December 31, 1983, and before January 1, 1989 bear to its aggregate gross receipts for the same period. Therefore, the group's fixed-base percentage is 70x/1400x or 5% and the group's base amount is $135x, the greater of 50% of $270x or 5% of $1,400x.

(C) The group's research credit is equal to 20 percent of the excess of the group's aggregate credit year qualified research expenses over the group's base amount. That is 20% of ($270x–$135x) or $27x.

(iii) *Allocation of the group credit.* The group research credit of $27x is allocated to the members of the group based on the ratio that the member's increase in its qualified research expenses over the member's base amount bears to the sum of the member increases in qualified research expenses over their base amounts. The member's base amount is computed by multiplying the group fixed-base percentage of 5% by the member's average annual gross receipts for the four preceding tax years. The $27x credit is allocated as follows:

Member	Credit year qualified research expenses	Member base amount	Increase	Ratio	Credit
A	$200x	$60x	$140x	14/20	$18.9x
B	20x	10x	10x	1/20	1.35x
C	50x	0	50x	5/20	6.75x

Example 4. (i) *Facts.* The facts are the same as in *Example 3* except that C began business in 1989. A, B, and C had qualified research expenses for the credit year 1999, qualified research expenses for the period 1984 through 1988, gross receipts for the period 1984 through 1988, and average annual gross receipts for the four years preceding the credit year as follows:

	A	B	C	Total
Credit year qualified research expenses	$200x	$20x	$50x	$270x
1984–1988 qualified research expenses	55x	15x	0	70x
1984–1988 gross receipts	1,000x	400x	0	1,400x
Average annual gross receipts for 4 years preceding credit year	1,200x	200x	1,000x	2,400x

(ii) *Computation of the group credit.* (A) The group research credit is computed as if the three corporations are one taxpayer. The research credit is equal to 20 percent of the excess of the group's aggregate credit year qualified research expenses over the group's base amount.

(B) The group's base amount equals the greater of: fifty percent of the group's credit year qualified research expenses (the minimum base amount), or, the group's fixed-base percentage times the group's average annual gross receipts for the four taxable years preceding the credit year. The group's fixed-base percentage is the ratio that the group's aggregate qualified research expenses for the taxable years beginning after December 31, 1983, and before January 1, 1989 bear to its aggregate gross receipts for the same period. Therefore, the group's fixed-base percentage is 70x/1400x or 5% and the group's base amount is $135x, the greater of 50% of $270x or 5% of $2,400x.

(C) The group's research credit is equal to 20 percent of the excess of the group's aggregate credit year qualified research expenses over the group's base amount. That is 20% of ($270x–$135x) or $27x.

(iii) *Allocation of the group credit.* The group research credit of $27x is allocated to the members of the group based on the ratio that the member's increase in its qualified research expenses over the member's base amount bears to the sum of the member increases in qualified research expenses over their base amounts. The member's base amount is computed by multiplying the group fixed-base percentage of 5% by the member's average annual gross receipts for the four preceding tax years. The $27x credit is allocated as follows:

Member	Credit year qualified research expenses	Member base amount	Change	Ratio	Credit
A	$200x	$60x	$140x	14/15	$25.2x
B	20x	10x	10x	1/15	1.8x
C	50x	50x	0	0	0

(b) *For taxable years beginning before January 1, 1990.* For taxable years beginning before January 1, 1990, see § 1.41–8 in effect prior to December 29, 1999 as contained in 26 CFR part 1 revised April 1, 1999.

(c) *Tax accounting periods used*—(1) *In general.* The credit allowable to a member of a controlled group of corporations or of a group of trades or businesses under common control is that member's share of the aggregate credit computed as of the end of such member's taxable year. In computing the aggregate credit in the case of a group whose members have different taxable years, a member shall generally treat the taxable year of another member that ends with or within the credit year of the computing member as the credit year of that other member. In computing the aggregate base amount, the gross receipts taken into account with respect to another member shall include that other member's gross receipts for the four taxable years of that other member preceding the credit year of that other member.

* * * * *

John M. Dalrymple,

Acting Deputy Commissioner of Internal Revenue.

[FR Doc. 99–33815 Filed 12–29–99; 2:06 pm]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–116704–99]

RIN 1545–AX69

Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document provides a proposed regulation relating to the disclosure of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities. The proposed regulation would permit the IRS to disclose return information to the Department of Agriculture to structure, prepare, and conduct the Census of Agriculture. The text of the temporary regulation published in the Rules and Regulations section of this issue of the **Federal Register** also serves as the text of this proposed regulation.

DATES: Written and electronic comments and requests for a public hearing must be received by April 3, 2000.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–116704–99), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–116704–99), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site: http://www.irs.gov/tax regs/regslist.html.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations,

Jennifer S. McGinty, (202) 622–4570; concerning submissions of comments, Guy Traynor (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Procedure and Administration Regulations (26 CFR Part 301) relating to section 6103(j)(5). The temporary regulations contain rules relating to the disclosure of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities.

The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations and these proposed regulations.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation, and because this regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this proposed regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Comments and Requests for a Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any electronic and written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. Additionally, the IRS and Treasury Department specifically request comments on the clarity of the proposed regulation and how it can be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information: The principal author of this regulation is Jennifer S. McGinty, Office of the Assistant Chief Counsel (Disclosure Litigation), IRS. However, other personnel from the IRS and Treasury Department participated in its development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 is amended by adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 301.6103(j)(5)–1 also issued under 26 U.S.C. 6103(j)(5); * * *

Par. 2. Section 301.6103(j)(5)–1 is added to read as follows:

§ 301.6103(j)(5)–1 Disclosures of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities.

[The text of this proposed section is the same as the text of § 301.6103(j)(5)–1T published elsewhere in this issue of the **Federal Register**].

Robert E. Wenzel,

Acting Commissioner of Internal Revenue.

[FR Doc. 00–55 Filed 1–3–00; 8:45 am]

BILLING CODE 4830–01–U

POSTAL SERVICE

39 CFR Part 111

Preparation Changes for Palletized Standard Mail (A) and Bound Printed Matter and for Standard Mail (A) and Standard Mail (B) Claimed at DBMC Rates

AGENCY: Postal Service, USPS.

ACTION: Proposed rule.

SUMMARY: The USPS proposes changes to the Domestic Mail Manual (DMM) that would require mailers to utilize one Labeling List (L605) for Standard Mail (A) packages of flats, letter trays, and sacks prepared on pallets, regardless of whether the mail is prepared for entry at destination bulk mail center (DBMC) rates; to require mailers to utilize Labeling List L605 for Standard Mail (A) and Standard Mail (B) machinable parcels prepared in sacks or on pallets when mail for auxiliary service facility (ASF) service areas is prepared for and claimed at DBMC rates; to implement package reallocation between ASFs and BMCs for Standard Mail (A) packages of flats placed on pallets; and to utilize Labeling List L605 for the preparation of all Standard Mail (B) when mail for ASF service areas is prepared for and claimed at DBMC rates and for Bound Printed Matter other than machinable parcels prepared on pallets.

DATES: Comments must be received on or before February 3, 2000.

ADDRESSES: Mail or deliver written comments to the Manager, Mail Preparation and Standards, USPS Headquarters, 475 L'Enfant Plaza SW, Room 6800, Washington DC 20260–2405. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday at USPS Headquarters Library, 475 L' Enfant Plaza SW, 11th Floor N, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karen A. Magazino, (202) 268–3854 or Barry Elliott, (202) 268–2731.

SUPPLEMENTARY INFORMATION: Two labeling lists currently are used by mailers to prepare Standard Mail (A) machinable parcels and all Standard Mail (A) placed on pallets. Generally, when a mailing is being prepared, either DMM Labeling List L601 or Labeling List L602 is used to sort the mail, depending on whether or not the mailer is planning to claim DBMC rates. Regardless of which list is used, the overall result is less than optimal because L601 does not include the ASFs as a separate sort level and L602 does not include ZIP Codes for offshore destinations. L601 also is used to sort Standard Mail (B) machinable parcels. ASFs are not included on L601 because the Postal Service wants to direct machinable parcels to BMCs, where they are processed on parcel sorting machines. Consequently, when Standard Mail (A) flats, letter trays, and sacks are not being prepared for drop shipment at DBMC rates and Labeling List L601 is used, the beneficial ASF pallets are not prepared, even when there is sufficient volume (*e.g.,* 500 pounds) to prepare such pallets. Consequently, the mail for the ASF service area is placed on a BMC service area pallet and must be processed by the parent BMC.

Labeling List L602 is used to define DBMC rate eligibility for Standard Mail. Because mail for offshore destinations is not entitled to DBMC rates, these ZIP

Codes are not included in L602 and mail for such destinations cannot currently be placed on DBMC pallets prepared using this list. The 3-digit service areas that are considered offshore destinations are 006–009, 967–969, and 995–999. As a result, when a mailer sorts an address file for entry at DBMC rates using this labeling list, the offshore mail is generally entered at origin and must be processed at the origin BMC and transported through the postal network to the destination BMC serving the offshore destination. This mail is frequently placed in sacks because it cannot be placed on DBMC pallets and it is not permissible to prepare packages of flats on mixed BMC pallets. Ultimately, the preparation and entry point of the offshore mail is determined by which labeling list is used to prepare the mailing.

Proposal To Use One Labeling List (L605) for Standard Mail (A) Flats, Letter Trays and Sacks Prepared on Pallets

The Mailers' Technical Advisory Committee (MTAC) approved a work group, the Presort Optimization Work Group, comprised of representatives of the Postal Service, presort software vendors, mail owners, and printers, to identify opportunities to improve the overall presort of mailings. This group identified the two anomalies discussed above. They indicated that the most viable solution for the offshore mail is to allow it to ride along on DBMC pallets (or in sacks if machinable parcels) that may be drop shipped to destination BMCs.

Based on the input of the MTAC Work Group, the Postal Service proposes to address these anomalies by requiring mailers to use a single Labeling List, L605, for all Standard Mail (A) flats, letter trays, and sacks prepared on pallets, regardless of where the mail is deposited or what rates are claimed. L605 delineates the ASF service areas and also includes the ZIP Codes for the offshore destinations within their respective BMC service areas. With this change, the offshore mail will ''ride along'' with the DBMC mail but will not be eligible for the DBMC discount. The benefit is that the handling of offshore mail at the origin BMC will be bypassed and service to the offshore mail should improve. The three BMCs (New Jersey, San Francisco, and Seattle) that presently service offshore destinations are already receiving BMC service area pallets and sacks that contain offshore mail prepared using Labeling List L601. Therefore, the addition of offshore mail to these DBMC containers should have no negative impact.

Requiring the use of Labeling List L605 for all Standard Mail (A) flats, letter trays, and sacks prepared on pallets will also ensure that the eight ASFs are always included in the presort logic hierarchy and that ASF pallets are prepared when the volume warrants.

Labeling List L601 will be retained and will continue to be applicable for Standard Mail (A) and Standard Mail (B) machinable parcels, except when mail for ASF service areas is prepared for and claimed at DBMC rates.

Current Labeling List L602, which contains the ZIP Code ranges for DBMC rate eligibility will be deleted from the Domestic Mail Manual. This information will appear, instead, in DMM Module E. This revision will not change current standards for DBMC rate eligibility.

Package Reallocation of Packages of Standard Mail (A) Flats To Protect the BMC Pallet

To ensure that the creation of an ASF pallet is not detrimental to a BMC pallet, the Postal Service also proposes to allow protection of the BMC pallet through the optional use of package reallocation between a ''child'' ASF and the ''parent'' BMC pallet. Package reallocation for protecting a BMC pallet is similar to the option implemented on July 29, 1999, for protecting the SCF pallet. In protecting a BMC pallet, any amount of mail necessary to achieve the minimum BMC pallet weight could be reallocated from one ASF pallet and the ASF pallet could be eliminated if necessary. Mailers who choose to utilize package reallocation to protect the BMC pallet must use Presort Accuracy Validation and Evaluation (PAVE) certified presort software.

Utilization of DMM Labeling Lists L601 and L605 for Preparation of Standard Mail (B)

The proposed elimination of L602 also affects Parcel Post (Parcel Select) claimed at DBMC rates because that list is currently used to define eligibility and preparation for all mail claimed at those rates. Accordingly, the Postal Service proposes that all Standard Mail (B) entered at BMCs or ASFs for DBMC rates be prepared using L605 and DBMC rate eligibility, which would not change, will be determined based on an exhibit in DMM E652. In addition, palletized Bound Printed Matter (other than machinable parcels) will be prepared using L605 for sortation to ASF/BMC pallets. L605 will also remain applicable for BMC Presort and OBMC presort of nonmachinable Parcel Post. L601 will continue to be used for machinable parcels except when mail for ASF service areas is prepared for and claimed at DBMC rates.

The proposed implementation date for all of the changes contained in this proposed rule is July 13, 2000.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c), regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following revisions of the Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual (DMM) as set forth below:

Domestic Mail Manual (DMM)

E. Eligibility

* * * * *

E651 Regular, Nonprofit, and Enhanced Carrier Route Standard Mail

* * * * *

5.0 DBMC DISCOUNT

[Amend 5.1 by replacing ''L602'' with ''Exhibit 5.1'' to read as follows.]

5.1 Definition

For this standard, destination bulk mail center (DBMC) includes all bulk mail centers (BMCs) and auxiliary service facilities (ASFs) as shown in Exhibit 5.1.

[Add new Exhibit 5.1.]

EXHIBIT 5.1.—BMC/ASF—DBMC RATES

Eligible destination ZIP codes	Entry BMC/ASF
005, 068–079, 085–098, 100–119, 124–127, 340	BMC NEW JERSEY NJ 00102.

EXHIBIT 5.1.—BMC/ASF—DBMC RATES—Continued

Eligible destination ZIP codes	Entry BMC/ASF
010–067, 120–123, 128, 129	BMC SPRINGFIELD MA 05500.
130–136, 140–149	ASF BUFFALO NY 140.
150–168, 260–266, 439–447	BMC PITTSBURGH PA 15195.
080–084, 137–139, 169–199	BMC PHILADELPHIA PA 19205.
200–212, 214–239, 244, 254, 267, 268	BMC WASHINGTON DC 20499.
240–243, 245–249, 270–297, 376	BMC GREENSBORO NC 27075.
298, 300–312, 317–319, 350–352, 354–368, 373, 374, 377–379, 399	BMC ATLANTA GA 31195.
299, 313–316, 320–339, 341, 342, 344, 346, 347, 349	BMC JACKSONVILLE FL 32099.
369–372, 375, 380–397, 700, 701, 703–705, 707, 708, 713, 714, 716, 717, 719–729	BMC MEMPHIS TN 38999.
250–253, 255–259, 400–418, 421, 422, 425–427, 430–433, 437, 438, 448–462, 469–474	BMC CINCINNATI OH 45900.
434–436, 465–468, 480–497	BMC DETROIT MI 48399.
500–516, 520–528, 612, 680, 681, 683–689	BMC DES MOINES IA 50999.
498, 499, 540–551, 553–564, 566	BMC MPLS/ST PAUL MN 55202.
570–577	ASF SIOUX FALLS SD 570.
565, 567, 580–588.	ASF FARGO ND 580.
590–599, 821	ASF BILLINGS MT 590.
463, 464, 530–532, 534, 535, 537–539, 600–611, 613	BMC CHICAGO IL 60808.
420, 423, 424, 475–479, 614–620, 622–631, 633–639	BMC ST LOUIS MO 63299.
640, 641, 644–658, 660–662, 664–679, 739	BMC KANSAS CITY KS 64399.
730, 731, 734–738, 740, 741, 743–746, 748, 749	ASF OKLAHOMA CITY OK 730.
706, 710–712, 718, 733, 747, 750–799, 885	BMC DALLAS TX 75199.
690–693, 800–816, 820, 822–831	BMC DENVER CO 80088.
832–834, 836, 837, 840–847, 893, 898, 979	ASF SALT LAKE CTY UT 840
850, 852, 853, 855–857, 859, 860, 863, 864	ASF PHOENIX AZ 852.
865, 870–875, 877–884	ASF ALBUQUERQUE NM 870.
889–891, 900–908, 910–928, 930–935	BMC LOS ANGELES CA 90901.
894, 895, 897, 936–966	BMC SAN FRANCISCO CA 94850.
835, 838, 970–978, 980–986, 988–994	BMC SEATTLE WA 98000.

5.2 Eligibility

[Amend 5.2 by replacing ''BMC or ASF'' with ''DBMC'' to read as follows:]

Pieces in a mailing that meet the standards in 1.0 through 5.0 are eligible for the DBMC rate when deposited at a BMC or ASF, addressed for delivery within that facility's service area (ZIP Code range), and placed in a tray, sack, or pallet (subject to the standards for the rate claimed) that is labeled to that BMC or ASF or to a postal facility within its service area. With the exception of pieces for 3-digit service areas that are not listed in Exhibit 5.1, all pieces in an ADC or AADC sack or tray are eligible for the DBMC discount if the ADC or AADC facility ZIP Code (as shown on Line 1 of the corresponding container label) is within the service area of the BMC or ASF at which the sack or tray is deposited. With the exception of pieces for 3-digit service areas that are not listed in Exhibit 5.1, all pieces in a palletized ADC package are eligible for the DBMC discount if the ADC facility that is the destination of the package (determined by using the label to ZIP Code in Column B of L004) is within the service area of the BMC or ASF at which it is deposited. DBMC rate mail may also be eligible for a presort or automation discount, subject to the corresponding standards.

* * * * *

E652 Parcel Post

1.0 BASIC STANDARDS

* * * * *

1.2 General

[Revise 1.2 to read as follows:]

For Parcel Post mailings claimed at DBMC, DSCF, and DDU rates, pieces must meet the applicable standards in 1.0 through 6.0 and meet the following criteria:

a. May be bedloaded, on pallets, in pallet boxes on pallets, in sacks, or in other authorized containers as specified in 2.0 through 6.0, depending on the facility at which the pieces are deposited.

b. May not be plant-loaded.

c. Be part of a single mailing of 50 or more pieces that are eligible for and claimed at any Parcel Post rate or rates.

d. Be deposited at a destination BMC (DBMC) or auxiliary service facility or other equivalent facility; destination sectional center (DSCF); or destination delivery unit (DDU) as applicable for the rate claimed and as specified by the USPS.

e. Be addressed for delivery within the ZIP Code ranges that the applicable entry facility serves.

[Revise 1.3 to read as follows:]

1.3 DBMC Rates

For DBMC rates, pieces must meet the applicable standards in 1.0 through 6.0. In addition, pieces must be part of a Parcel Post mailing that is deposited at a BMC or ASF under L605, the pieces deposited at each BMC or ASF must be addressed for delivery within the ZIP Code range of that facility, must be within a ZIP Code eligible for DBMC rates under Exhibit 1.3, and must be prepared in accordance with M041 and M045 or M630. Mail meeting the additional criteria in 5.0 may be deposited at a designated facility other than the BMC or ASF where the DBMC parcels would otherwise be deposited.

[Add new Exhibit 1.3]

EXHIBIT 1.3.—BMC/ASF—DBMC RATES

Eligible destination ZIP codes	Entry BMC/ASF
005, 068–079, 085–098, 100–119, 124–127, 340	BMC NEW JERSEY NJ 00102.
010–067, 120–123, 128, 129	BMC SPRINGFIELD MA 05500.

EXHIBIT 1.3.—BMC/ASF—DBMC RATES—Continued

Eligible destination ZIP codes	Entry BMC/ASF
130–136, 140–149	ASF BUFFALO NY 140.
150–168, 260–266, 439–447	BMC PITTSBURGH PA 15195.
080–084, 137–139, 169–199	BMC PHILADELPHIA PA 19205.
200–212, 214–239, 244, 254, 267, 268	BMC WASHINGTON DC 20499.
240–243, 245–249, 270–297, 376	BMC GREENSBORO NC 27075.
298, 300–312, 317–319, 350–352, 354–368, 373, 374, 377–379, 399	BMC ATLANTA GA 31195.
299, 313–316, 320–339, 341, 342, 344, 346, 347, 349	BMC JACKSONVILLE FL 32099.
369–372, 375, 380–397, 700, 701, 703–705, 707, 708, 713, 714, 716, 717, 719–729	BMC MEMPHIS TN 38999.
250–253, 255–259, 400–418, 421, 422, 425–427, 430–433, 437, 438, 448–462, 469–474	BMC CINCINNATI OH 45900.
434–436, 465–468, 480–497	BMC DETROIT MI 48399.
500–516, 520–528, 612, 680, 681, 683–689	BMC DES MOINES IA 50999.
498, 499, 540–551, 553–564, 566	BMC MPLS/ST PAUL MN 55202.
570–577	ASF SIOUX FALLS SD 570.
565, 567, 580–588	ASF FARGO ND 580.
590–599, 821	ASF BILLINGS MT 590.
463, 464, 530–532, 534, 535, 537–539, 600–611, 613	BMC CHICAGO IL 60808.
420, 423, 424, 475–479, 614–620, 622–631, 633–639	BMC ST LOUIS MO 63299.
640, 641, 644–658, 660–662, 664–679, 739	BMC KANSAS CITY KS 64399.
730, 731, 734–738, 740, 741, 743–746, 748, 749	ASF OKLAHOMA CITY OK 730.
706, 710–712, 718, 733, 747, 750–799, 885	BMC DALLAS TX 75199.
690–693, 800–816, 820, 822–831	BMC DENVER CO 80088.
832–834, 836, 837, 840–847, 893, 898, 979	ASF SALT LAKE CTY UT 840.
850, 852, 853, 855–857, 859, 860, 863, 864	ASF PHOENIX AZ 852.
865, 870–875, 877–884	ASF ALBUQUERQUE NM 870.
889–891, 900–908, 910–928, 930–935	BMC LOS ANGELES CA 90901.
894, 895, 897, 936–966	BMC SAN FRANCISCO CA 94850.
835, 838, 970–978, 980–986, 988–994	BMC SEATTLE WA 98000.

[Redesignate 1.4 through 1.5 as 1.5 through 1.6 and insert new number 1.4 to read as follows:

1.4 DSCF and DDU Rates

For DSCF and DDU rates, pieces must meet the applicable standards in 1.0 through 1.6 and meet the following criteria:

[Move former 1.3 (e) and (f) to new section as 1.4 (a) and (b).]

* * * * *

L Labeling Lists

* * * * *

L600 Standard Mail

[Amend the heading of Labeling List 601 by removing ''Machinable Parcels'' to read as follows:]

L601 BMCs

[Revise introductory paragraph to read as follows:]

Use this list for:

(a) Standard Mail (A) machinable parcels if ASF mail is not prepared for and claimed at DBMC rates,

(b) Bound Printed Matter machinable parcels,

(c) Parcel Post if ASF mail is not prepared for and claimed at DBMC rates except non-machinable BMC Presort and OBMC Presort, and

(d) Presorted Special Standard Mail and Presorted Library Mail to BMC destinations.

* * * * *

[Remove Labeling List 602, BMCs/ASFs-DBMC Rates.]

* * * * *

[Revise the heading of Labeling List 605 to read as follows:]

L605 BMCs/ASFs

[Revise introductory paragraph to read as follows:]

Use this list for:

(a) Standard Mail (A) pallets of packages of flats, letter trays, and/or sacks,

(b) Standard Mail (A) machinable parcels when mail for ASF service areas is prepared for and claimed at DBMC rates,

(c) Parcel Post when mail for ASF service areas is prepared for and claimed at DBMC rates,

(d) Parcel Post nonmachinable parcels claimed at BMC Presort and OBMC Presort rates, and

(e) Bound Printed Matter packages and/or sacks on pallets.

* * * * *

M MAIL PREPARATION AND SORTATION

M010 Mailpieces

M011 Basic Standards

1.0 TERMS AND CONDITIONS

* * * * *

1.2 Presort Levels

[Amend 1.2 by revising 1.2n to read as follows:]

Terms used for presort levels are defined as follows:

* * * * *

n. ASF/BMC: all pieces are addressed for delivery in the service area of the same auxiliary service facility (ASF) or bulk mail center (BMC) (see L601 or L605, as applicable).

* * * * *

M040 PALLETS

M041 General Standards

* * * * *

5.0 PREPARATION

* * * * *

5.1 Presort

[Amend 5.1 by revising the last two sentences to read as follows:]

* * * The standards for package reallocation to protect the SCF or BMC pallet (M045.5.0 and 6.0) are optional methods of pallet preparation designed to retain as much mail as possible at the SCF or BMC level. These standards may result in some packages of Periodicals flats and irregular parcels and Standard Mail (A) flats, and irregular parcels that are part of a mailing job prepared in part as palletized flats at automation rates, not being placed on the finest level of pallet possible. Mailers must use PAVE-certified presort software to prepare mailings using package reallocation (package reallocation is optional, but, if

performed, must be done for the complete mailing job).

5.2 Required Preparation

[Amend 5.2 by revising 5.2a to read as follows:]

These standards apply to:

a. Periodicals, Standard Mail (A) and Parcel Post (other than BMC Presort, OBMC Presort, DSCF, and DDU rate mail). For mail that is prepared on pallets, a pallet must be prepared to a required sortation level when there are 500 pounds of Periodicals or Standard Mail packages, sacks, or parcels, or six layers of Periodicals or Standard Mail (A) letter trays. For packages of Periodicals flats and irregular parcels and Standard Mail (A) packages of flats on pallets prepared under the standards for package reallocation (M045.5.0), not all mail for a required 5-digit destination is required to be on a 5-digit pallet or optional 5-digit scheme pallet. For packages of Standard Mail (A) flats on pallets prepared under the standards for package reallocation to protect the BMC pallet (M045.6.0), not all mail for a required ASF pallet is required to be on an ASF pallet. Mixed pallets of sacks, trays, or machinable parcels must be labeled to the BMC or ADC (as appropriate) serving the post office where mailings are entered into the mailstream. The processing and distribution manager of that facility may issue a written authorization to the mailer to label mixed BMC or mixed ADC pallets to the post office or processing and distribution center serving the post office where mailings are entered. These pallets contain all mail remaining after required and optional pallets are prepared to finer sortation levels under M045, as appropriate.

* * * * *

6.0 COPALLETIZED COMBINED OR MIXED-RATE LEVEL MAILINGS OF FLAT-SIZE PIECES

* * * * *

6.4 Standard Mail (A)

[Amend 6.4 by revising the first sentence to read as follows:]

To copalletize different Standard Mail (A) flat-size mailings, the mailer must consolidate on pallets all independently sorted packages from each mailing to achieve the finest presort level for the mailing, except that a copalletized mailing prepared under M045.5.0 or 6.0, using package reallocation, may not always result in all packages being placed on the finest pallet level possible.* * *

* * * * *

M045 Palletized Mailings

* * * * *

4.0 PALLET PRESORT AND LABELING

4.1 Packages, Bundles, Sacks or Trays on Pallets

[Amend 4.1 by revising 4.1e to read as follows:]

Preparation and Line 1 labeling:

* * * * *

e. As appropriate:

(1) Periodicals: ADC: required; for Line 1, use L004.

(2) Standard Mail: BMC/ASF: required; for Line 1, use L605. If package reallocation to protect the BMC pallet is used and the BMC pallet contains mail for the ASF service area, for Line 1, use L601.

* * * * *

4.2 Machinable Parcels-Standard Mail

[Amend 4.2 by revising 4.2b and 4.2c to read as follow:]

Preparation sequence and Line 1 labeling:

* * * * *

b. ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates; for Line 1, use L605. DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

c. Destination BMC: required; for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

* * * * *

[Revise heading of 5.0 to read as follows:]

5.0 PACKAGE REALLOCATION TO PROTECT SCF PALLET FOR PERIODICALS FLATS AND IRREGULAR PARCELS AND STANDARD MAIL (A) FLATS ON PALLETS

5.1 Basic Standards

[Amend 5.1 by revising the first sentence to read as follows:]

Package reallocation to protect the SCF pallet is an optional preparation method (if performed, package reallocation must be done for the complete mailing job); only PAVE-certified presort software may be used to create pallets under the standards in 5.2 through 5.5 * * *

* * * * *

[Redesignate 6.0 through 14.0 as 7.0 through 15.0, respectively, and insert new number 6.0 to read as follows:]

6.0 PACKAGE REALLOCATION TO PROTECT BMC PALLET FOR STANDARD MAIL (A) FLATS ON PALLETS

6.1 Basic Standards

Package reallocation to protect the BMC pallet level is an optional preparation method (if performed, package reallocation to protect the BMC pallet must be done for the complete mailing job); only PAVE-certified presort software may be used to create pallets under the standards in 6.2 through 6.4. The software will determine if mail for a BMC service area would fall beyond the BMC level when ASF pallets are prepared. Reallocation is performed only when there is mail for the BMC service area that would fall beyond the BMC pallet level. The amount of mail required to bring the mail that would fall beyond the BMC pallet level back to a BMC level is the minimum volume that would be reallocated from an ASF pallet, where possible. The following ''parent'' BMCs can be protected with package reallocation by using mail from the ASF ''child'' pallets indicated in Exhibit 6.1.

EXHIBIT 6.1.—''PARENT'' BMC/''CHILD'' ASF

''Parent'' BMC: service areas	''Child'' ASF: ZIP Code areas served
Pittsburgh BMC	Buffalo ASF: 130–136; 140–149.
Denver BMC	Albuquerque ASF: 865, 870–875, 877–884.
	Phoenix ASF: 850, 852, 853, 855–857, 859, 860, 863, 864.
	Salt Lake City ASF: 832–834, 836, 837, 840–847, 893, 898, 979.
	Billings ASF: 590–599, 821.
Dallas BMC	Oklahoma City ASF: 730, 731, 734–738, 740, 741, 743–746, 748, 749.
Des Moines BMC	Sioux Falls ASF: 570–577
Minneapolis BMC	Fargo ASF: 565, 567, 580–588.

6.2 General Reallocation Rules

Reallocation rules:

a. The reallocation process does not affect package preparation. Reallocate only complete packages and only the minimum number of packages necessary to create a BMC pallet meeting the minimum pallet weight. Based on the weight of individual pieces within a package and packaging parameters, the weight of mail that is reallocated may be slightly more than the minimum volume required to create a BMC pallet.

b. Using the parent BMC/child ASF table provided in Exhibit 6.1, reallocate packages from the ASF pallet to create a BMC pallet. The ASF pallet can be eliminated if necessary to protect the BMC pallet.

c. When reallocating mail to create a BMC pallet, reallocate mail only from the ASF pallet. Package reallocation is only to be used between the ''parent'' BMC and the ''child'' ASF. Mail from finer levels of pallets (*e.g.,* SCF pallet) may not be reallocated to protect BMC pallets.

d. Mailers may use any minimum pallet weight(s) permitted by DMM standards and may use different minimum weights for different pallet levels in conjunction with package reallocation.

6.3 Reallocation of Packages From ASF Pallets

When reallocating packages from ASF pallets:

a. Using the parent BMC/child ASF table provided in Exhibit 6.1, attempt to identify an ASF pallet of adequate weight that can support reallocation of one or more packages to bring the mail that has fallen through the BMC level back to the BMC level without eliminating the ASF pallet. A sufficient amount of mail must remain on the ASF pallet after reallocation to meet the ASF pallet weight minimum. If an ASF pallet of adequate weight is available, create a BMC pallet by combining the reallocated mail from the ASF pallet with the mail that would fall beyond the BMC pallet level.

b. If no single ASF pallet within the BMC service area contains an adequate volume of mail to allow reallocation of the portion of the mail on a pallet as described in the previous step, then eliminate one ASF pallet and reallocate all of the mail to create a BMC pallet by combining it with the mail that would fall beyond the BMC pallet level. As a result, the software will not prepare one ASF pallet for the ASF service area if it is detrimental to the BMC pallet.

6.4 Documentation

Mailings must be supported by documentation produced by PAVE-certified software meeting the standards in P012.

* * * * *

M073 COMBINED MAILINGS OF STANDARD (A) AND STANDARD (B) PARCELS

1.0 COMBINED MACHINABLE PARCELS—RATES OTHER THAN PARCEL POST OBMC PRESORT, BMC PRESORT, DSCF, AND DDU

* * * * *

1.6 Sack Preparation

[Amend 1.6 by revising 1.6a(2) and 1.6a(3) to read as follows:]

The requirements for sack preparation are as follows:

a. Sack size, preparation sequence, and Line 1 labeling:

* * * * *

(2) Destination ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates (minimum of 10 pieces/20 pounds/1,000 cubic inches, smaller volume not permitted); for Line 1, use L605. DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

(3) Destination BMC: required (minimum of 10 pieces/20 pounds/ 1.000 cubic inches, smaller volume not permitted); for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

* * * * *

M610 Presorted Standard Mail (A)

* * * * *

5.0 MACHINABLE PARCELS

* * * * *

5.2 Sack Preparation

[Amend 5.2 by revising 5.2(b) and 5.2(c) to read as follows:]

Sack size, preparation sequence, and Line 1 labeling:

* * * * *

b. Destination ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates (10 pound minimum, smaller volume not permitted); for Line 1 use L605. DBMC rate eligibility is determined by Exhibit E651.5.1.

c. Destination BMC: required (10 pound minimum, smaller volume not permitted); for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E651.5.1.

* * * * *

M630 Standard Mail (B)

* * * * *

6.0 MACHINABLE PARCELS

* * * * *

6.2 Sack Preparation

[Amend 6.2 by revising 6.2b and 6.2c to read as follows:]

Sack size, preparation sequence, and Line 1 labeling:

* * * * *

b. ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates (minimum of 10 pieces/20 pounds/ 1,000 cubic inches, smaller volume not permitted); for Line 1, use L605. DBMC rate eligibility is determined by Exhibit E652.1.3.

c. Destination BMC: required (minimum of 10 pieces/20 pounds/ 1,000 cubic inches, smaller volume not permitted); for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E652.1.3.

* * * * *

P POSTAGE AND PAYMENT METHODS

P000 Basic information

P010 General Standards

* * * * *

P012 DOCUMENTATION

* * * * *

2.0 STANDARDIZED DOCUMENTATION—FIRST-CLASS MAIL, PERIODICALS, AND STANDARD MAIL (A)

2.2 Format and Content

[Amend 2.2 by replacing last two sentences of 2.2d (4) to read as follows:]

For First-Class Mail, Periodicals, and Standard Mail (A), standardized documentation includes:

* * * * *

(4) * * * Document SCF or BMC pallets created as a result of package reallocation under M045.5.0 or 6.0 on the USPS Qualification Report by designating the protected pallet with an identifier of ''PSCF'' (for an SCF pallet) or ''PBMC'' (for a BMC pallet). These identifiers are required to appear only on the USPS Qualification Report; they are not required to appear on pallet

labels or in any other mailing documentation.

* * * * *

2.4 Sortation Level

[Amend 2.4 by inserting new sortation level and abbreviation immediately below SCF pallets (created from package reallocation) to read as follows:]

The actual sortation level (or corresponding abbreviation) is used for the package, tray, sack, or pallet levels required by 2.2 and shown below.

Sortation level	Abbreviation
* * * * *	
BMC [pallets created from package reallocation].	PBMC

* * * * *

An appropriate amendment to 39 CFR 11.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–25 Filed 1–3–00; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–2843, MM Docket No. 99–362, RM–9730]

Radio Broadcasting Services; Canton and Morristown, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed jointly by Cartier Communications Inc., licensee of Station WVNC, Channel 244A, Canton, NY, and Waters Communications, Inc., licensee of Station WNCQ–FM, Channel 275A, Morristown, NY, seeking the substitution of Channel 275C3 for Channel 244A at Canton and the substitution of Channel 244C3 for Channel 275A at Morristown, and the modification of their respective licenses to specify operation on the higher powered channels. Comment is requested on whether the proposal should be considered as an incompatible channel swap pursuant to Section 1.420(g)(3) of the Commission's Rules, as requested by Cartier and Waters, since a second Class C3 channel, Channel 244C3, is available for allotment at Canton, with a site restriction of 20.8 kilometers (12.9 miles) west, at coordinates 44–33–26 NL; 75–25–48 WL. This allotment would be short-spaced to Channel 243A at Buckingham, Quebec, and to Station CKOI–FM, Channel 245C1, Verdun, Quebec, Canada. Channel 275C3 can be allotted to Canton in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 12 kilometers (7.4 miles) north, at coordinates 44–41–51 NL; 75–07–35 WL, to accommodate Cartier's desired transmitter site. Channel 275C3 at Canton will be short-spaced to 276A at Valleyfield, Quebec, Canada. Channel 244C3 can be allotted to Morristown in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 12 kilometers east, at coordinates 44–36–00 NL; 75–30–00 WL, to accommodate Waters' desired transmitter site. Channel 244C3 at Morristown will be short-spaced to Channel 243A at Buckingham, Quebec, Canada. Since both communities are located within 320 kilometers of the U.S.-Canadian border and the proposed allotments will result in short-spacings to Canadian allotments, concurrence by the Canadian Government in these allotments, as specially negotiated, short-spaced allotments, must be obtained.

DATES: Comments must be filed on or before February 7, 2000, and reply comments on or before February 22, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David G. O'Neil, Rini, Coran & Lancellotta, P.C., 1350 Connecticut Avenue, NW, Suite 900, Washington, DC 20036–1701 (Counsel to petitioners).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–362, adopted December 8, 1999, and released December 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–90 Filed 1–3–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 222

[Docket No. 990901242–9242–01; I.D.072099E]

North Atlantic Whale Protection

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: NMFS publishes an advance notice of proposed rulemaking (ANPR) in response to a request by the Whale Watch Advisory Group (WWAG) that NMFS solicit comments on the appropriateness of codifying, through rulemaking, operational procedures for vessels engaged in whale watching in NMFS Northeast Region (Virginia to Maine).

The scope of this ANPR encompasses the activity of any vessel (commercial or private) that is engaged in whale watching. NMFS is requesting comments on whether existing whale protection measures are adequate to address the potential threat of injury or mortality by vessels engaged in whale watching (commercial and private) to large whales, (primarily humpback, fin, and minke whales), and, if not, what whale protection measures are needed.

DATES: Comments must be received at the appropriate address or fax number

(see **ADDRESSES**) no later than 5 p.m. eastern standard time, on March 6, 2000.

ADDRESSES: Comments on this Advance Notice of Proposed Rulemaking (ANPR) should be addressed to Chief, Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, or fax to 301–713–0376.

FOR FURTHER INFORMATION CONTACT: Ann Terbush, Office of Protected Resources, 301–713–2289; or Doug Beach, Northeast Region, 978–281–9254.

SUPPLEMENTARY INFORMATION:

Background

Whale watching is a popular recreational activity in the Stellwagen Bank National Marine Sanctuary (SBNMS) and throughout the Northeast Region. Whale watch vessel operators seek out areas where whales congregate. This has led to large numbers of vessels gathering around groups of whales, which has increased the potential for harassment, injury or even the death of these animals. NMFS has received complaints from the public charging that marine mammals are being harassed and injured by commercial whale watching, fishing, and pleasure craft vessels. In 1998, whale watch vessels struck two whales while returning to their home port. In 1997, there was a report from a private citizen while aboard a whale watch excursion that the vessel had hit a whale. There were no reported ship strikes of whales by vessels engaged in whale watching in 1999; however, there were three reports of harassment in 1999 which are all currently under investigation.

NMFS Northeast Region has attempted to address the impacts of whale watching through a combination of enforcing the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) prohibitions against the taking of listed species, and issuing operational guidelines to give vessel operators guidance on how to approach large whales without causing harassment. In addition, to minimize the detrimental effects of directed vessel interactions with northern right whales, NMFS issued an interim final rule prohibiting the approach of a right whale within 500 yards on February 13, 1997. Although this rule provides certain exemptions, it generally prohibits vessels and aircraft from approaching a right whale within 500 yards, and is believed to provide adequate protection to this species from whale watching vessels.

The Recovery Plan for the Northern Humpback Whale (NMFS, 1991) places high priority on reducing any detrimental effects of directed vessel interactions with that species, specifically in regard to collisions with ships or boats. The Northeast Implementation Team, established by NMFS to implement the ESA Right Whale and Humpback Whale Recovery Plans, set up the WWAG under its Ship Strike Sub-Committee to look into appropriate measures to address what is believed to be an increasing threat to whales, as evidenced by the whale watch vessel strikes in 1998 and recent reports of harassment. The WWAG is made up of representatives from the whale watch industry, conservation organizations, and state and Federal agencies.

In March, 1999, the WWAG recommended that NMFS revise its 1985 whale watch guidelines to help address the issue, and prepare an ANPR to solicit comments on the appropriateness of codifying, through rulemaking, operational procedures for vessels engaged in whale watching in the Northeast Region. NMFS revised the guidelines as requested by the WWAG on June 1, 1999 (64 FR 29270). The guidelines were revised to provide specific vessel speed recommendations, decrease the number of vessels in close proximity to whales, recommend the use of lookouts when entering or departing known whale aggregation areas, and increase the circular Whale Awareness Zone.

The U.S. Coast Guard (USCG), in performing its maritime law enforcement role under the ESA, has monitored whale watch operations at various times. The USCG established a program utilizing the Coast Guard Auxiliary to monitor whale watching activities in the Stellwagen Bank National Marine Sanctuary (SBNMS) and elsewhere in NER waters during the 1999 season. Observations are conducted from USCG vessels and aircraft, and by placing uniformed, specially trained Auxiliary observers in the wheel houses of whale watch vessels. However, it should be noted that the USCG Auxiliary has no enforcement authority.

USCG Auxiliary observers provide written reports of their observations to NOAA. NMFS and SBNMS intend to review all comments and recommendations received, as well as information received on observed compliance with the revised guidelines, in the course of determining whether to propose a rule.

Request for Comments

NMFS is requesting comments on (1) whether existing whale protection measures are adequate to address the potential threat of injury or mortality by vessels engaged in whale watching (commercial and private) to large whales, (primarily humpback, fin, and minke whales), and, if not, (2) what whale protection measures are needed. NMFS offers the following as possible options:

Further revisions of the existing whale watch guidelines - The revised guidelines include several measures intended to decrease the likelihood of adverse interactions with whales, such as collisions. The revised guidelines, which cover an area two miles from any observed whale: (1) establish certain speed levels as a vessel approaches or departs from observed whales at two miles (13 knots), one mile (10 knots), and one-half mile (7 knots); (2) provide more specific instructions for multi-vessel approaches within 600 feet and a maximum number of vessels (three) within that area; and (3) recommend the posting of a dedicated lookout when vessels are within two miles of observed whales to keep track of all whales in the vicinity. The guidelines could be further revised to increase or decrease these requirements or establish new ones, such as minimum approach distances or general speed restrictions in specific whale high use areas.

Codify the whale watch guidelines - Codifying the whale watch guidelines as regulations would make them requirements rather than just recommendations, and would provide for enforcement of these provisions and penalties for violations.

Minimum approach rules - Similar to the right whale minimum approach rule, some limit could be established by regulation to accommodate a reasonable level of whale watching opportunity while providing space for individual animals to avoid harassment and possible injury. This could be accomplished independently of any revision or codification of the whale watch guidelines.

Operator Permit or Certification Program - Requiring operators of vessels engaged in whale watching to obtain a permit or certification. Issuance of a permit or certification would be based on the operator demonstrating knowledge of whale behavior and proper whale watch vessel operation. Sanctions, up to and including loss of permit or certification for nonconformance with applicable regulations, would be possible.

Dated: December 28, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–87 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 991220343–9343–01; I.D. 120999D]

RIN 0648–AM52

Pacific Halibut Fisheries; Catch Sharing Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed changes to catch sharing plan and the sport fishing regulations; availability of draft environmental assessment and regulatory impact review.

SUMMARY: NMFS proposes, under authority of the Northern Pacific Halibut Act (Halibut Act), to approve and implement changes to the Area 2A Pacific Halibut Catch Sharing Plan (Plan) to accommodate, in the Plan, a court-ordered change in the allocation of Pacific halibut between treaty Indian and non-treaty fisheries and to adjust management of the halibut sport fisheries off Washington and Oregon. NMFS also proposes changes to the sport fisheries regulations to implement the Plan in 2000. Finally, NMFS announces the availability for public comment of a draft environmental assessment and regulatory impact review (EA/RIR) for this action.

DATES: Comments on the proposed changes to the Plan must be received by January 7, 2000; comments on the proposed changes to the sport fishery regulations must be received by February 11, 2000.

ADDRESSES: Send comments or requests for a copy of the Plan and/or the EA/RIR to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Electronic copies of the Plan, including proposed changes for 2000, and of the draft EA/RIR are also available at the NMFS Northwest Region website: http://www.nwr.noaa.gov, under ''Halibut Management.'' Comments also may be sent via facsimile (fax) to 206–526–6736. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, 206-526-6140.

SUPPLEMENTARY INFORMATION: The Halibut Act, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for carrying out the Halibut Convention between the United States and Canada and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) of the Halibut Act authorizes the regional fishery management councils to develop regulations that are not in conflict with regulations adopted by the International Pacific Halibut Commission (IPHC) to govern the Pacific halibut catch that occurs in each council's region. Each year since 1988 the Pacific Fishery Management Council (Council) has developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California).

In 1995, upon recommendation of the Council, NMFS implemented the Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A–1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18'' N. lat.), Oregon, and California. The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits.

Council Recommended Changes to the Plan

At its September 1999 public meeting, the Council adopted for public comment the following changes to the Plan: (1) incorporation into the Plan of a court-ordered change in the Pacific halibut allocation to settle the claims of treaty tribes for an equitable adjustment to current halibut allocation that would compensate for halibut not allocated to the tribes from 1989 through 1993; (2) allowing commercial halibut fishers to also use their vessels for private (not for hire) recreational fishing; (3) a revision of the boundary between the Washington sport fishery in Puget Sound (Inside Waters) and North Coast sub-areas; (4) allowing the opening of the closed ''hot spot'' in the Washington sport fishery South Coast sub-area through an accelerated inseason process; and (5) combining the sub-quotas for Oregon's inside 30–fathom sport fisheries in the North Central and South Central Coast subareas.

At its November 1999 public meeting, the Council considered the results of State-sponsored workshops on the proposed changes to the Plan and public comments and made final recommendations for four modifications to the Plan as follows:

(1) Revise the Plan to bring it into compliance with an allocation change agreed to by the states, tribes and Federal government that is contained in a July 7, 1999 stipulation, and ordered by the court in *United States* v. *Washington*, No. 9213 Phase I, Subproceeding No. 92–1 (W.D. Wash.). This stipulation settles the Tribes' claim for an equitable adjustment arising from allocations in the Pacific halibut fishery from 1989 through 1993. In 1993, the court declared that the regulatory scheme for the allocation of halibut between treaty and non-treaty fisheries in 1989 through 1993 had violated treaty rights. The parties to the stipulation (the halibut treaty tribes, the States of Washington and Oregon, and the Federal government) agreed that 25,000 lb (11.3 mt) dressed weight of halibut would be transferred from the non-treaty Area 2A halibut allocation to the treaty Indian allocation in Area 2A–1 each year for 8 years beginning in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) could be transferred in any year upon prior written agreement of the parties to the stipulation.

(2) Modify the boundary between the Puget Sound and Washington North Coast sport fishery subareas by moving it eastward from the Bonilla-Tatoosh line to the mouth of the Sekiu River. Additionally, modify the quota allocations to the two sport fishery

subareas to increase the portion of the Washington sport quota allocated to the North Coast subarea from 57.7 percent of the first 130,845 lb (59.4 mt), to 62.2 percent of the first 130,845 lb (59.4 mt). Correspondingly, reduce the quota allocated to the Puget Sound subarea from 28 percent of the first 130,845 lb (59.4 mt), to 23.5 percent of the first 130,845 lb (59.4 mt). This modification would simplify management while keeping the amount of halibut available to different ports roughly the same as in past years.

(3) Revise the management structure for the Washington South Coast subarea sport fishery to allow the opening of the South Coast subarea closed ''hot spot'' inseason, effective via announcement on the NMFS halibut hotline. NMFS, the Washington Department of Fish and Wildlife (WDFW), and IPHC would consult via conference call shortly after the opening of the South Coast subarea season to on the need for either maintaining the ''hot spot'' as a closed area or for opening the ''hot spot'' to fishing, as indicated by the effect of ocean and fishery conditions on meeting the season structuring objectives for this subarea.

(4) Revise the sport fishery structure for the Oregon North Central and South Central subareas to combine the sub-quotas for the inside 30–fathom fisheries from these two sub-areas. There would be a single sub-quota and season for the fisheries inside 30–fathoms from Cape Falcon to Humbug Mountain.

Proposed Changes to the Catch Sharing Plan

NMFS is proposing to approve the Council recommendations and to make the following changes to the Plan:

Restructure section (b) of the Plan, Allocations, as two sub-paragraphs (b)(1) and (b)(2), with the current main paragraph (b) re-designated as (b)(1) and the first sentence of that paragraph revised to read as follows ''Except as provided in section (b)(2), this Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington in subarea 2A–1, and 65 percent to non-Indian fisheries in Area 2A.'' and a new subparagraph (b)(2) added to read as follows:

''To meet the requirements of U.S. District Court Stipulation and Order (*United States v. Washington*, No. 9213, Phase I, Subproceeding No. 92–1 (W.D. Wash.) (Stipulation and Order, July 7, 1999)) 25,000 lb (11.3 mt) dressed weight of halibut will be transferred from the non-treaty Area 2A halibut allocation to the treaty allocation in Area 2A–1 each year for 8 years, commencing in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) may be transferred in any year upon prior written agreement of the parties to the stipulation.''

In section (f), Sport Fisheries, revise the first two sentences of paragraph (1)(i) to read as follows:

''This sport fishery subarea is allocated 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan.) This sub-area is defined as all waters east of the mouth of the Sekiu River, as defined by a line extending from 48°17'30'' N. lat., 124°23'70'' W. long. north to 48°24'10'' N. lat., 124°23'70'' W. long., including Puget Sound.''

In section (f), Sport Fisheries, revise the first two sentences of paragraph (1)(ii) to read as follows:

''This sport fishery subarea is allocated 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan.) This sub-area is defined as all waters west of the mouth of the Sekiu River, as defined above in paragraph (f)(1)(i), and north of the Queets River (47°31'42'' N. lat.).''

In section (f), Sport Fisheries, add a sentence to the end of paragraph (1)(iii) to read as follows:

''If a decision is made inseason to open this closed area to sport fishing for halibut, that decision will become effective upon announcement on the NMFS halibut hotline, at (206) 526–6667 or (800) 662–9825.''

In section (f), Sport Fisheries, change the heading of paragraph (1)(v) to *Oregon north central coast subarea*, and revise the first sentence of paragraph (1)(v)(A) to read as follows:

''The first season opens on May 1, only in waters inside the 30–fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30–fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until September 30, whichever is earlier.''

In section (f), Sport Fisheries, change the heading of paragraph (1)(vi) to *Oregon south central coast subarea*, and revise the first sentence of paragraph (1)(vi)(A) to read as follows:

''The first season opens on May 1, only in waters inside the 30–fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30–fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until September 30, whichever is earlier.''

In section (f), Sport Fisheries, revise paragraph (2) to read as follows:

''Port of landing management. All sport fishing in Area 2A will be managed on a ''port of landing'' basis, whereby any halibut landed into a port will count toward the quota for the subarea in which that port is located, and the regulations governing the subarea of landing apply, regardless of the specific area of catch.''

In section (f), Sport Fisheries, revise paragraph (5)(iv)(A) to read as follows:

''Inseason actions will be effective on the date specified in notification in the **Federal Register** or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later, except that any partial or complete inseason opening of the Washington South Coast sport fishery closed area (designated above at (f)(1)(iii)) may be made effective upon announcement on the NMFS halibut hotline.''

Proposed 2000 Sport Fishery Management Measures

NMFS is proposing changes to the sport fishery regulations that are necessary to implement the Plan in 2000. The 2000 TAC is unknown at this time, but information available from the IPHC indicates that the TAC may be similar to or somewhat lower than the TAC in 1999. The final TAC will be determined by the IPHC at its annual meeting January 10–13, 2000. The proposed 2000 sport fishery regulations based on the 1999 Area 2A TAC of 760,000 lb (344.7 mt) are as follows:

Washington Inside Waters Subarea Puget Sound and Straits

This subarea would be allocated 43,808 lb (19.9 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. WDFW, NMFS and IPHC are currently discussing how to estimate season durations for the Puget Sound and North Coast subareas under the proposed changes to subarea sizes and quota allocations. According to the Plan, the structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length, with the fishery opening in May

and continuing at least through July 4. In 1999, the fishery in this subarea was 35 days long, from May 27 through July 12, held for 5 days per week (Thursday through Monday.) For the 2000 fishing season, the dates of the fishery in this subarea would be set to meet the structuring objectives described in the Plan, hopefully providing fishing opportunity at least from the Memorial Day weekend through the July 4th weekend. The final determination of the season dates would be based on the allowable harvest level, projected 2000 catch rates, and recommendations developed in a public workshop sponsored by WDFW after the 2000 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person.

Washington North Coast Subarea (North of the Queets River)

This subarea would be allocated 94,445 lb (42.8 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. WDFW, NMFS and IPHC are currently discussing how to estimate season durations for the Puget Sound and North Coast subareas under the proposed changes to subarea sizes and quota allocations. According to the Plan, the structuring objective for this subarea is to maximize the season length for viable fishing opportunity and, if possible, stagger the seasons to spread out this opportunity to anglers who use these remote grounds. The fishery opens on May 2, and continues for 5 days per week (Tuesday through Saturday). The highest priority is for the season to last through the end of May. If sufficient quota remains, the second priority is to establish a fishery that will be open July 1, through at least July 4. In 1999, the fishery in this subarea was 50 days long, from May 1 through July 9, held for 5 days per week (Tuesday through Saturday.) For the 2000 fishing season, the dates of the fishery in this subarea would be set to meet the structuring objectives described in the Plan. The final determination of the season dates would be based on the allowable harvest level, projected 2000 catch rates, and recommendations developed in a public workshop sponsored by WDFW after the 2000 TAC is set by the IPHC. The daily bag limit would be one halibut of any size per day per person. A portion of this subarea located about 19 nm (35 km) southwest of Cape Flattery would be closed to sport fishing for halibut. The size of this closed area is described in the Plan, but may be modified preseason by NMFS to maximize the season length.

Washington South Coast Subarea

This subarea would be allocated 29,153 lb (13.2 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The fishery would open on May 2 (Sunday) and continue for 5 days per week (Sunday through Thursday) until 1,000 lb (0.45 mt) are projected to remain in the quota. The fishery would be open Sunday through Thursday in all areas, except where prohibited, and Friday and Saturday only in the area from the Queets River south to 47°00'00'' N. lat. and east of 124°40'00'' W. long. When 1,000 lb (0.45 mt) are projected to remain in the quota, fishing would be allowed 7 days per week in the area from the Queets River south to 47°00'00'' N. lat. and east of 124°40'00'' W. long. The daily bag limit would be one halibut of any size per day per person. A portion of this area would be closed to sport fishing for halibut. The closed area is a rectangle with the following dimensions: 47°19'00'' N. lat., 124°53'00'' W. long.; 47°19'00'' N. lat., 124°48'00'' W. long.; 47°16'00'' N. lat., 124°53'00'' W. long.; and 47°16'00'' N. lat.,124°48'00'' W. long. This closed area could be opened by NMFS inseason after consultation with WDFW, NMFS, and IPHC.

Columbia River Subarea

This subarea would be allocated 4,249 lb (1.9 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The fishery would open on May 1 and continue for 7 days per week until the quota is reached or September 30, whichever occurs first. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Oregon North Central Coast Subarea

This subarea would be allocated 130,877 lb (59.4 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The May all-depth season would be allocated 88,996 lb (40.4 mt). Based on an observed catch per day trend in this fishery, an estimated 20,000 lb (9.1 mt) would be caught per day in 2000, resulting in a 4-day fixed season. In accordance with the Plan, the season dates would be May 12, 13, 19, and 20. If the quota is not taken, an appropriate number of fishing days would be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms, which would be combined in 2000 and beyond with the restricted depth fishery in the Oregon south central coast subarea, would be allocated 11,234 lb (5.1 mt) and would be open starting May 1 through September 30 or until the TAC is attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) would be allocated 32,719 lb (14.8 mt), which may be sufficient for a 1 day opening on August 4, based on the expected catch per day. If sufficient quota remains after this season for additional days of fishing, the dates for an all-depth fishery would be in mid-August. The final determination of the season dates will be based on the allowable harvest level, projected catch rates, and recommendations developed in a public workshop sponsored by ODFW after the 2000 TAC is set by the IPHC. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Oregon South Central Coast Subarea

This subarea would be allocated 10,363 lb (4.7 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The May all-depth season would be allocated 8,290 lb (3.8 mt) and, based on observed catch per day trend in this fishery, an estimated 2,200 lb (1.0 mt) would be caught per day in 2000, resulting in a 3– to 4-day fixed season. In accordance with the Plan, the season dates would be May 11, 12, 13, 19, and 20. If the quota is not taken, an appropriate number of fishing days would be scheduled for late May or early June. The restricted depth fishery inside 30 fathoms, which would be combined in 2000 and beyond with the restricted depth fishery in the Oregon south central coast subarea, would be allocated 11,234 lb (5.1 mt) and would be open starting May 1 through September 30 or until the TAC is attained, whichever occurs first. The August coastwide all-depth fishery (Cape Falcon to Humbug Mountain) may open for 1-day on August 4, if sufficient quota is available. If sufficient quota remains for additional fishing days after this season, the dates for an all-depth fishery would be in mid-August. The final determination of the season dates would be based on the allowable harvest level, projected catch rates, and recommendations developed in an ODFW-sponsored public workshop after the IPHC sets the 2000 TAC. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Humbug Mountain, OR, through California Subarea

This subarea would be allocated 4,460 lb (2.0 mt) at an Area 2A TAC of 760,000 lb (344.7 mt) in accordance with the Plan. The proposed 2000 sport season for this subarea would be the same as last year, with a May 1 opening

and continuing for 7 days per week until September 30. The daily bag limit would be the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

NMFS requests public comments on the Council's recommended modifications to the Plan and the proposed changes to the sport fishing regulations. The Area 2A TAC will be set by the IPHC at its annual meeting on January 10–13, 2000, in Lynnwood, WA. NMFS requests comments on the proposed changes to the Plan by January 7, 2000. NMFS requests comments on the proposed changes to the sport fishing regulations by February 11, 2000, after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments on the proposed sport fishing regulations. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. After the Area 2A TAC is known, and after NMFS reviews public comments and comments from the States, NMFS will issue final rules for the Area 2A Pacific halibut sport fishery concurrent with the IPHC regulations for the 2000 Pacific halibut fisheries.

Classification

NMFS has prepared a draft EA/RIR on the proposed changes to the Plan. Copies of the ''Draft Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A'' are available from NMFS (see **ADDRESSES**). Comments on the EA/RIR are requested by January 19, 2000.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the changes to the Plan would not have a significant economic impact on a substantial number of small entities as follows:

The proposed action to move the borderline between the Washington sport fishery Puget Sound and North Coast subareas is expected to result in either no change or in a positive change in halibut fishing opportunity for individual halibut anglers. This proposed change will reclassify halibut landings made in the area from the Sekiu River west to Neah Bay as North Coast subarea landings, rather than as Puget Sound subarea landings. Sport fishing for halibut in this western Strait of Juan de Fuca area is more similar in character (fast-paced, high landings) to the North Coast fishery than to the rest of the Puget Sound fishery. For halibut anglers who remain in the Puget Sound subarea fishery, the overall season length may increase as a result of reduced competition with their more aggressive western straits counterparts. For halibut anglers in the new, larger North Coast subarea, the quota has been increased to account for the addition of new waters and anglers, so season length is not expected to be affected by the proposed changes.

The proposed action to bring the Plan into compliance with the court-ordered allocation of halibut between treaty and non-treaty fisheries would result in the reallocation of approximately 3.3% of the Area 2A TAC. For allocations between non-treaty fisheries, the Council has recommended retaining the current allocation scheme. Thus, the effect of the reduction in the non-treaty allocation will be proportionately shared by all non-treaty fisheries, with the deepest cuts in halibut poundage occurring in the largest fisheries. For most fisheries, the change in available halibut poundage will not be noticeable. However, for the directed commercial fishery, for the Washington North Coast subarea sport fishery, and for the Oregon North Central Coast subarea sport fishery, the change in halibut poundage may have some effect on fishery durations.

Although the directed commercial fishery for halibut is one of the larger non-treaty halibut fisheries by weight, the duration and average halibut harvest per licensed vessel is primarily affected by the number of participants in the fishery. Over the 1997 through 1999 period, the average amount of halibut taken per licensed vessel has increased, because the number of licensed vessels has decreased while the overall commercial quota has remained fairly constant. Although the overall amount of halibut available to the directed commercial fishery would decrease under the allocation shift from non-treaty to treaty fisheries, the change is not enough to have a greater effect on the average amount of halibut taken per licensed participant than the effect of the number of participants in the fishery on the average amount of halibut taken per licensed vessel.

In the non-treaty sport fisheries, the Washington North Coast subarea and Oregon North Central Coast subarea take the largest halibut allocations, and will likely be most affected by the allocation shift from non-treaty to treaty fisheries. In the Washington North Coast subarea, assuming a catch rate similar to 1999 of 1,766 lb (0.8 mt) per day, the season could be reduced from 50 to 47 fishing days as a result of the approximately 4,700 lb (2.1 mt) shift in allocation from non-treaty to treaty fisheries. For this particular subarea, the effects of the allocation shift may be mitigated by the proposed changes to Washington sport fishery subarea management that shift the borderline and quota between the Puget Sound and North Coast subareas.

In the Oregon North Central Coast subarea, assuming a catch rate for the all-depth fishery similar to 1999 of 19,270 lb (8.7 mt) per day, the season could be reduced from 7 to 6 fishing days as a result of the approximately 7,000 lb (3.2 mt) shift in allocation from non-treaty to treaty fisheries. The reduction in the quota available to the Oregon all-depth fishery could alternatively result in an inseason quota shift from the nearshore sport fisheries to the all-depth sport fisheries.

The proposed actions to bring the Plan into compliance with the court-ordered allocation of halibut between treaty and non-treaty fisheries, and the restructuring of the Washington sport fisheries in the Puget Sound and North Coast subareas will not affect sport fishing opportunity for bottomfish, salmon, and other species that account for a much greater proportion of the sport fishing opportunity in Washington and Oregon. In addition to these two changes to the Plan, the Council has recommended changes to: (1) the inseason management structure for the Washington South Coast subarea ''hot spot,'' and (2) the subarea quota structuring for the Oregon North Central and South Central fisheries inside 30 fathoms. These additional proposed changes to the Plan have far less effect on small entities than either of the proposed changes discussed above, and are expected to result in either no impact at all, or a modest increase in fishery and regulatory convenience. Consequently, changes to the Plan are not expected to have a significant economic effect on a substantial number of small entities. The proposed sport management measures for 2000 merely implement the Plan at the appropriate level of TAC; their impacts are within the scope of the impacts analyzed for the Plan.

Therefore, a regulatory flexibility analysis was not prepared.

This action has been determined to be not significant for purposes of E.O. 12866.

Dated: December 28, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–86 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 991228355–9355–01; I.D. 110999C]

RIN 0648–AM50

Fisheries of the Northeastern United States; Proposed 2000 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed 2000 fishing quotas for Atlantic surf clams, ocean quahogs, and Maine mahogany quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries

for 2000. Regulations governing these fisheries require NMFS to propose for public comment specifications for the 2000 fishing year. The intent of this action is to propose allowable harvest levels of Atlantic surf clams and ocean quahogs from the exclusive economic zone and an allowable harvest level of Maine mahogany quahogs from the waters north of 43°50'N. lat. in 2000.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5:00 p.m., eastern standard time, on February 2, 2000.

ADDRESSES: Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Initial Regulatory Flexibility Analysis (EA/RIR/IRFA), and the Essential Fish Habitat Assessment, are available from: Patricia A. Kurkul, Regional Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The EA/RIR/IRFA is accessible via the Internet at *http:/www.nero.gov/ro/doc/nr.htm*.

Written comments on the proposed specifications should be sent to: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298. Mark on the outside of the envelope, ''Comments—2000 Clam and Quahog Specifications.'' Comments may also be sent via facsimile (fax) to (978)281–9371. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 978-281-9104.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs NMFS, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within this constraint, the Council policy is to also consider the economic benefits of the quotas. Regulations implementing Amendment 10 to the FMP published on May 19, 1998 (63 FR 27481), added Maine mahogany quahogs to the management unit and provides that a small artisanal fishery for that species in the waters north of 43°50' N. lat. will have an annual quota with an initial amount of 100,000 Maine bu (35,240 hectoliters (hL)) within a range of 17,000 to 100,000 Maine bu (5,991 hL to 35,240 hL). As specified in Amendment 10, the Maine mahogany quahog quota is in addition to the quota specified for the ocean quahog fishery. The fishing quotas must be in compliance with overfishing definitions for each species. The overfishing definition for ocean quahogs is based on a control rule, which requires biomass target = ½ virgin biomass or 2 billion lb (907,200 mt) of meats (200 million bu), fishing mortality rate (F) target = $F_{0.1}$ = 0.02, biomass threshold = ½ biomass target or 1 billion lb (453,600 mt) of meats (100 million bu), and fishing mortality threshold of $F_{25\neq}$ = 0.042. The current biomass is estimated to be 3 billion lb (1,360,800 mt) of meats (300 million bu) or 3/4 virgin biomass and current F is estimated to be 0.021. NMFS approved the overfishing definition for ocean quahogs contained in Amendment 12 to the FMP, but disapproved the proposed overfishing definition for surf clams because it was based only on surf clams from the Northern New Jersey area and did not take into account the broad range of the resource. Therefore, the Council used the existing overfishing definition for surf clams, which is a fishing mortality rate of $F_{20\neq}$ = 0.180 in establishing the 2000 specifications. Current F for surf clams is estimated to be 0.0180 for the entire fishery and 0.041 for the Northern New Jersey Area, where the heaviest exploitation occurs. The Council has been advised that an FMP amendment is required to revise overfishing definitions consistent with the requirements of the Sustainable Fisheries Act.

In proposing these quotas, the Council considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report prepared by the Council staff. The proposed quotas for the 2000 Atlantic surf clam, ocean quahog, and Maine mahogany quahog fisheries are shown here. All three quotas would be unchanged from the 1999 level.

PROPOSED 2000 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	2000 final quotas (bu)	2000 final quotas (hL)
Surf clam[1]	2,565,000	1,366,000
Ocean quahog[2]	4,500,000	2,396,000
Maine mahogany quahog[2]	100,000	35,240

[1] 1 bushel = 1.88 cubic ft. = 53.24 liters
[2] 1 bushel = 1.2445 cubic ft. = 35.24 liters

Surf Clams

The Council recommended a 2000 quota of 2.565 million bu (1.366 million hL) for surf clams, a level unchanged since 1995. This level of quota was estimated as corresponding to the F that would be required to harvest the annual surplus production for Northern New Jersey. The vast majority of the catch (greater than 80 percent) is currently derived from the Northern New Jersey area, which contains about 36 percent of the coast-wide resource. Sufficient recruitment is evident and the age structure of the population is such that this level of quota will not harm the long-term sustainability of the resource. The F in 1997 associated with a quota of 2.565 million bu (1.366 million hL) was approximately 0.04 for the Northern New Jersey area.

The proposed quota takes into account analysis of surf clam abundance that was part of the 26th Northeast Regional Stock Assessment Workshop (SAW 26). SAW 26 utilized data from the 1997 surf clam survey, which included work to estimate dredge efficiency. Although SAW 26 showed a significant increase in surf clam biomass, the Council chose not to recommend a quota increase for 2000 because of three major factors: (1) The vast majority of the catch (greater than 80 percent) continues to be derived from the Northern New Jersey area, and the net productivity of that area appears to be at an equilibrium with the current

catches; (2) the 1998 Federal surf clam landings were 8 percent less than the 1998 quota and preliminary data for 1999 also indicate that landings will be below the 1999 quota level; and (3) SAW 26 utilized a host of new techniques and methodologies, key among them being a new dredge efficiency estimate that resulted in a sharp increase in the estimate of surf clam biomass. The differences in methodology relative to prior work result in this assessment effectively representing a single point estimate in time; hence, it is prudent to take a risk-averse approach to setting the annual quota until more data from different years are available using the new dredge efficiency estimate. A new clam survey of the continental shelf between Cape Hatteras and Georges Bank was conducted in the summer of 1999, and a stock assessment is to be developed and reviewed at the NMFS-sponsored Stock Assessment Review Committee in December 1999. Therefore, the Council decided to maintain current quotas until these additional data are available to corroborate SAW 26 results.

The Council continues to assume that none of the Georges Bank resource (approximately one quarter of the total resource) will be available during the next 10 years for harvesting because of paralytic shellfish poisoning. This area has been closed to the harvest of clams and other shellfish since 1989, and the Council and NMFS have no reason to believe that it will reopen in the near future.

Ocean Quahogs

The Council recommended a 2000 quota of 4.5 million bu (2.396 million hL) for ocean quahogs. This quota would be identical to that adopted for 1999, but an increase of 13 percent from the 1998 quota level. The FMP specifies that the quota level must comply with the ocean quahog overfishing definition.

The 1997 quota yielded an F of approximately 0.02 compared to the F threshold of 0.04 contained in the overfishing definition. The specific F associated with the 2000 quota will be calculated when the new assessment is complete, but is expected to be close to the F in 1997, because a similar proportion of the biomass remains unexploited compared to 1997.

The Atlantic surf clam and ocean quahog quotas are specified in standard bushels of 53.24 liters per bushel, while the Maine mahogany quahog quota is specified in ''Maine'' bushels of 35.24 liters per bushel. Because Maine mahogany quahogs are the same species as ocean quahogs, both fisheries are combined and share the same ocean quahog overfishing definition. When the two quota amounts are added, the total allowable harvest is still lower than the level that would result in overfishing for the entire stock, as previously defined in the ocean quahog overfishing definition.

The Council proposed a 2000 ocean quahog quota based on the analysis of abundance for that species found in the 27th Northeast Regional Stock Assessment Workshop (SAW 27) concluded in 1998. Similar to surf clams, SAW 27 included work to estimate dredge efficiency and showed a significant increase in the estimate of ocean quahog biomass. Although 30 percent of the resource is located on Georges Bank, SAW 27 did not question whether Georges Bank would ever be reopened. However, SAW 27 showed that using the entire resource, with a harvest level of only 4 million bu (2.130 million hL), would produce a supply-year harvest equivalent to 76 years. This estimate is significantly longer than the period specified in the Council's policy of at least 30 years. The resource is of sufficient size overall that the proportion of ocean quahogs that exists on Georges Bank is not necessary to meet the Council's 30-year supply policy.

Although SAW 27 showed that the ocean quahog quota could have been increased beyond the 1999 quota level, the Council did not recommend any change for 2000 because of four major factors: (1) The 1998 quota was not constraining to industry; (2) most industry members supported the 4.5 million bushel (2.396 million hL) harvest level; (3) repeated concern was expressed by industry over the continued lack of apparent ocean quahog recruitment south of Georges Bank; and (4) as with surf clams, although SAW 27 utilized new methodologies and a new dredge efficiency estimate to derive a sharp increase in ocean quahog biomass, this assessment represents only one point in time. As with surf clams, the Council decided to take no further action on the quota until the additional data are available.

The Council recommended that the Maine mahogany quahog quota remain unchanged from the 1999 quota level at 100,000 Maine bu (35,240 hL) for 2000. Because management measures for this fishery have only been in place since May 19, 1998, data from the federally managed fishery is just beginning to be compiled. There has been no attempt yet to develop and conduct a scientific survey of the extent of the resource. From the information currently available, maintaining the quota at its current level for another year will not constrain the fishery or endanger the resource, because the total quota was not harvested and catch-per-unit-of-effort has not changed substantially.

Classification

This action is authorized by 50 CFR part 648 and has been determined to be not significant for purposes of E.O. 12866.

The Council prepared an Initial Regulatory Flexibility Analysis in section 5.0 of the RIR that describes the economic impacts this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section of the preamble and in the SUMMARY section of the preamble. A summary of that analysis follows:

Vessels

In 1998, a total of 47 vessels reported harvesting surf clams or ocean quahogs from Federal waters under an Individual Transferable Quota (ITQ) system. Average 1998 gross income for surf clam harvests was $650,919 per vessel, and $685,573 per vessel for ocean quahog harvests. In the small artisanal fishery for ocean quahogs in Maine, 39 vessels reported harvests in the clam logbooks, with an average value of $48,629 per boat. All of these vessels readily fall within the definition of a small business. The Council recommends no change in the 2000 quotas for surf clams, ocean quahogs, or mahogany quahogs from their present 1999 quotas of 2.656, 4.500, and 0.100 million bushels, respectively. Since 1998 harvest levels of 2.365, 3.897, 0.082 million bushels, for surf clams, ocean quahogs, and mahogany quahogs, respectively, are below the 2000 proposed quotas and the Council assumes no changes in fishing effort or yield-to-effort will take place in 1999, the Council believes that the 2000 proposed quotas will yield a surplus quota available to vessels participating in all three fisheries. In the case of a surplus quota, vessels would not be constrained from harvesting additional product, thus, increasing revenues. This assumes that the demand for these shellfish is price elastic and vessels would equally share in increases or decreases to total revenues earned by the fishery.

The Council analyzed 4 ocean quahog quota alternatives, in addition to the preferred, for including 4.000, 4.250, 4.750, and 6.000 million bushels. The minimum allowable quota specified in the current OY range is 4.0 million

bushels of ocean quahogs. Adoption of this quota would represent a 12% decrease from the current 4.5 million bushel quota, and, assuming the entire quota is harvested, a 2.6-percent increase in harvest from the 1998 harvest level of 3.897 million bushels. This alternative would take the most conservative approach to managing the fishery that is currently available to the Council. Adopting the maximum allowable quota of 6.000 million bushels for ocean quahogs would represent a 33-percent increase in allowable harvest and a 54% increase in landings from 1998 assuming all the quota is taken. The industry does not have a market available to absorb such a massive increase in landings and may not have the vessel capacity necessary to harvest a quota this large. (Two of the most productive ocean quahog vessels sank in January 1999, and have not been replaced). Since all alternatives would yield increases, the same result as in the case of preferred alternative, namely increased revenues, would be likely to occur.

The Council identified 4 surf clam quota alternatives in addition to the preferred alternative including 1.850, 2.365, 2.700, 3.400. The minimum allowable quota specified in the current OY range is 1.850 million bushels of surf clams. Adoption of this quota would represent a 28-percent decrease from the current 2.565 million bushel quota, and a 22-percent decrease from the 1998 harvest level of 2.365 million bushels. Assuming that demand is price elastic, a reduction in quota of this magnitude would have a substantially negative impact on overall exvessel revenues. Adoption of the 2.365 million bushel quota would most likely have no impact on small entities since it is identical to 1998 base year landings of 2.365 million bushels. Adopting the maximum allowable quota of 3.40 million bushels for surf clams would allow for a 33-percent increase in harvest. Other alternatives could yield increases in revenues, but are not likely, because the quota has not been reached over the last few years. In summation, the Council determined that the only alternative that would negatively impact revenues to vessels is the 1.850–million-bushel alternative for surf clams. All other alternatives including the preferred, would have a positive impact on revenues.

The quota for mahogany quahogs is specified at 100,000 bushels and the FMP specifies that adjustments to the quota would require a stock assessment of the mahogany quahog resource. Since none has been done, the Council did not look at alternative quotas for this fishery. However, in general, any quota the Council would have specified below the 1998 landing level of 72,466 bushels would most likely cause a decrease in revenues to individual vessels while a quota greater than that level could cause an increase. However, this is unlikely, given recent landings values for this fishery.

Processors

Nine to twelve processors participate in the surf clam and ocean quahog fisheries. However, 3 firms are responsible for the vast majority of purchases in the exvessel market and sale of processed clam products in appropriate wholesale markets. Impacts to surf clams and ocean quahog processors would most likely mirror the impacts of the various quotas to vessels as discussed here. Revenues earned by processors would be derived from the wholesale market for clam products, and since a large number of substitute products (i.e., other food products) are available, the demand for processed clam products is likely to be price elastic and revenues would increase or decrease with changes in price.

Allocation Holders

In 1999, surf clam allocation holders totaled 107 while 64 firms or individuals held ocean quahog allocation. If the recommended quotas are accepted, i.e., no change from 1999, it is likely that impacts to allocation holders or buyers will be minimal. Theoretically, increases in quota would most likely benefit those who must purchase quota through lower prices (values) and negatively impact sellers of quota because it would reduce in value. Decreases in quota would most likely have an opposite effect.

Reporting and Recordkeeping Requirements

This proposed rule would not impose any new reporting, recordkeeping, or other compliance requirements. Therefore, the costs of compliance would remain unchanged.

The RIR/IRFA is available from NMFS (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et. seq.*

Dated: December 28, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–84 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 65, No. 2
Tuesday, January 4, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on January 19, 2000, at the Adam's Mark Hotel, 1200 Hampton Street, Columbia, South Carolina 29201. The purpose of the meeting is to discuss with the State Superintendent of Schools or her representative, the progress of the implementation of the South Carolina Education Accountability Act of 1998.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, December 27, 1999.

Ruby G. Moy,

Staff Director.

[FR Doc. 99–34020 Filed 12–27–99; 4:50 pm]

BILLING CODE 6335–01–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–601]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Brass Sheet and Strip From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amended Final Results of Antidumping Duty Administrative Review.

EFFECTIVE DATE: January 4, 2000.

FOR FURTHER INFORMATION CONTACT: Paige Rivas or James Terpstra, Office of Antidumping/Countervailing Duty Enforcement, Office Four, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0651 or 482–3965, respectively.

Applicable Statute and Regulations

Unless otherwise stated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to 19 CFR part 351 (1998).

Amendment to Final Results

On August 9, 1999, the Department determined that sales of brass sheet and strip from Canada were made at less than normal value during the 1997 period of review. This review covers one respondent, Wolverine Tube Inc. (Wolverine). *See Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review and Notice of Intent Not To Revoke Order in Part,* 64 FR 46344 (August 25, 1999).

On August 18, 1999, the petitioners, (Hussey Copper, Ltd.; The Miller Company; Olin Corporation; Revere Copper Products, Inc.; International Association of Machinists and Aerospace Workers; International Union-Allied Industrial Workers of America (AFL–CIO); Mechanics Educational Society of America (Local 56), and United Steelworkers of America), timely filed an allegation that the Department had made several clerical errors in the final margin computer program. Petitioners requested that we correct the errors and publish a notice of amended final determination in the **Federal Register**. *See* 19 CFR 351.224(e). Petitioners' submission alleges the following errors:

- The Department overstated the reduction to Wolverine's cost of manufacture to eliminate potential double-counting of Wolverine's warranty expense. This reduction to Wolverine's cost of manufacture occurred when the Department agreed with Wolverine's claim that ''a portion of the warranty expenses associated with the manufacturing costs of re-working defective merchandise is already included in the reported COP and that the inclusion of such costs in warranty expenses would result in double-counting.'' *See Final Results Analysis Memo, Eleventh Administrative Review 1/1/97–12/31/97* (''Analysis Memo'') at 4. As a result, the Department reduced ''the reported COP expenses to account for these costs'' to ''avoid double counting.'' *Id.* According to petitioners, the overstatement of the reduction to Wolverine's cost of manufacture occurred because the Department calculated an adjustment factor by dividing Wolverine's total variable warranty expense by Wolverine's total labor and overhead costs (excluding the cost of materials), and applied this adjustment factor to Wolverine's total cost of manufacture (including cost of materials). The adjustment factor derived from Wolverine's labor and overhead costs should have been applied only to Wolverine's total labor and overhead costs to yield the correct amount of the adjustment to Wolverine's total cost of manufacture. Instead, the Department applied the adjustment factor to the sum of fabrication cost and metal cost in its final margin calculation program and overstated the reduction to Wolverine's cost of manufacture.
- The Department failed to correct a width for one of Wolverine's U.S. sales that the Department acknowledged in its Final Results of Review to be incorrect. *See* 64 FR at 46345 (Comment 2).
- The Department failed to include in its final margin program the exchange losses associated with its accounts

payable and reported in the new computer field EXCHNG provided by Wolverine to the Department on March 25, 1999. Petitioner states that the Department should add the computer field EXCHNG to the revised cost of production (RCOP). Wolverine added a new computer field EXCHNG to its COP and CV databases for exchange losses associated with its accounts payable to include additional costs that were not reported in the original computer field TOTCOM. Wolverine did include these additional costs in the computer field for revised TOTCOM (RTOTCOM). However, because the Department started its cost calculations using the original computer field TOTCOM, the additional costs included in EXCHNG were not included in the Department's final margin analysis.

Wolverine did not comment on the clerical error allegations.

After reviewing the petitioners' allegations, we have determined, in accordance with 19 CFR 351.224, that the final results includes the above-mentioned clerical errors. Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results of the antidumping duty review of brass sheet and strip from Canada. The revised dumping margin is listed below.

Exporter/producer	Margin percentage
Wolverine	0.83

In addition, we note that the assessment instructions in the original final results of review misstated the way in which the assessment rates were calculated. Therefore, this amended final results of review provides the corrected formulation given below.

The Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. We will issue importer-specific appraisement instructions to Customs. For assessment purposes, we have calculated importer-specific *ad valorem* duty assessment rates for the merchandise based on the ratio of the total amount of dumping duties calculated for the examined sales to the entered value of sales used to calculate those duties. This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing this determination in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), 19 CFR 351.213, and 19 CFR 351.221(b)(5).

Dated: December 27, 1999.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–28 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–047]

Elemental Sulphur From Canada: Extension of Time Limit for Final Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the final results of the review of elemental sulphur from Canada. This review covers the period December 1, 1997 through November 30, 1998.

DATE EFFECTIVE: January 4, 2000.

FOR FURTHER INFORMATION CONTACT: Rick Johnson at (202) 482–3818; Office of AD/CVD Enforcement, Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendment made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

Postponement of Final Results

The Department has determined that it is not practicable to issue its final results of the administrative review within the original time limit of December 31, 1999. *See Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III to Robert LaRussa, Assistant Secretary for Import Administration.* Therefore, the Department is extending the time limit for completion of the final results until January 21, 2000, in accordance with Section 751(a)(3)(A) of the Act.

Dated: December 22, 1999.

Richard O. Weible,

Acting Deputy Assistant Secretary for AD/CVD Enforcement Group III.

[FR Doc. 00–29 Filed 1–3–00; 8:45 am]

BILLING CODE 3570–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–825]

Oil Country Tubular Goods From Korea: Notice of Recission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Recission of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from respondents, the Department of Commerce (''the Department'') initiated an administrative review of SeAH Steel Corporation, Ltd. (''SeAH''), on October 1, 1999. The review covered one manufacturer/exporter of the subject merchandise to the United States, SeAH and its U.S. sales subsidiaries (Pusan Pipe America, Inc. and State Pipe & Supply Co.). The period of review is August 1, 1998 through July 31, 1999. The Department received a request for withdrawal on December 3, 1999 from respondent. In accordance with 19 CFR 351.213(d)(1), the Department is now terminating this review because the respondent has withdrawn its request for review and no other interested parties have requested a review.

EFFECTIVE DATE: January 4, 2000.

FOR FURTHER INFORMATION CONTACT: Jonathan Lyons, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–0374.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). In addition, unless otherwise indicated, all citations

to the Department's regulations are to the current regulations as codified at 19 CFR part 351 (1998).

Background

On August 11, 1995, the Department published in the **Federal Register** (60 FR 41058) the antidumping duty order on oil country tubular goods from Korea. The Department of Commerce published in the **Federal Register** a notice of ''Opportunity To Request Administrative Review'' of the antidumping duty order for the 1998–1999 review period on August 11, 1999 (64 FR 43649). On August 31, 1999, SeAH requested an administrative review for its entries during the 1998–1999 period of review. No other interested party requested review of this antidumping duty order. On October 1, 1999, in accordance with Section 751 of the Act, the Department initiated the review (64 FR 53318). On December 3, 1999 respondent withdrew its request for review.

Section 19 CFR 351.213(d)(1) of the Department's regulations stipulates that the Secretary may permit a party that requests a review to withdraw the request not later than 90 days after the date of publication of the notice of initiation of the requested review. In this case, respondent has withdrawn its request for review within the 90-day period. No other interested party requested a review and we have received no other submissions regarding respondent's withdrawal of its request for review. Therefore, we are terminating this review of the antidumping duty order on oil country tubular goods from Korea.

This notice is published in accordance with section 751 of the Act and section 19 CFR 351.213(d)(1) of the Department's regulations.

Dated: December 28, 1999.

Richard O. Weible,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–97 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–504]

Final Results of Full Sunset Review: Porcelain-on-Steel Cooking Ware From Mexico

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Final Results of Full Sunset Review: Porcelain-on-Steel Cooking Ware from Mexico.

SUMMARY: On August 26, 1999, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the antidumping duty order on porcelain-on-steel cooking ware from Mexico pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C., 20230, telephone: (202) 482–5050 or (202) 482–1560, respectively.

EFFECTIVE DATE: January 4, 2000.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) and 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin, 63 FR 18871 (April 16, 1998) (''Sunset Policy Bulletin'').

Scope

The merchandise subject to this antidumping duty order is porcelain-on-steel cooking ware (''POS cooking ware'') from Mexico, which includes tea kettles, that do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheading 7323.94.00. Kitchenware currently entering under HTSUS subheading 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order remains dispositive.

Background

On August 26, 1999, the Department published in the **Federal Register** (64 FR 46651) the Preliminary Results of Full Sunset Review: Porcelain-on-Steel Cooking Ware from Mexico, (''Preliminary Results''). In the Preliminary Results, we found that revocation of the order would likely result in the continuation or recurrence of dumping. In addition, we preliminarily determined that the magnitude of the margin of dumping likely to prevail if the order were revoked was 42.71 percent for Cinsa, S.A. (''Cinsa''), 129.40 percent for Esmaltaciones de Norte America, S.A. de C.V. (''ENASA''), and 29.52 percent for ''all others.''

On October 12, 1999, within the deadline specified in 19 CFR 351.309(c)(1)(i), we received comments on behalf of Cinsa and ENASA (collectively, ''the respondents''). On October 12, 1999, within the deadline specified in 19 CFR 351.309(d)(1), we received rebuttal comments from Columbian Home Products (''CHP''), the domestic interested party in this review. We have addressed the comments received below.

Comments

Comment 1: The respondents assert that, in the amended final results of the eleventh administrative review, the Department's presumption that duties were being absorbed fails to meet the requirement that the Department carry out a meaningful analysis of whether antidumping duties are absorbed. The respondents assert that if in duty absorption inquiries the Department need not actually analyze absorption but, rather, may simply presume it from the existence of dumping alone, the statute's duty absorption provisions are rendered superfluous. Additionally, the respondents assert that the Department's presumption is, in effect, impossible to rebut. Therefore, the respondents argue that application of the duty absorption methodology to calculate Cinsa's and ENASA's likely margins if the order were revoked is contrary to law.

In its rebuttal comments CHP argues that Cinsa and ENASA did not challenge the Department's duty absorption determination in either their case brief on the Department's preliminary results of the eleventh administrative review nor in their

appeal of the final results of that review to a binational panel. Therefore, CHP argues that the Department's duty absorption determination in the eleventh administrative review is final and cannot be disturbed. CHP argues that this argument is untimely and should be rejected because the Department does not have the authority to make duty absorption determinations in a sunset review. Additionally, CHP argues that the respondent's challenge to the Department's use of a rebuttable presumption in making a determination of duty absorption is without merit. CHP argues that the Department has previously considered exactly this same argument, in the course of administrative reviews where it has properly been raised, and has rejected it. Further, CHP asserts that given that the duty absorption provision was enacted long before the beginning of the eleventh administrative review, the respondents had ample opportunity to address the issue of duty absorption and to develop evidence demonstrating that duty absorption was not occurring. In conclusion, CHP argues that the Department's duty absorption determination in the eleventh review is final and cannot be changed in the sunset review. Further, under the statute, the Department must report the duty absorption determination to the Commission.

DOC Position: We agree with CHP that duty absorption determinations are made in the context of administrative reviews. Additionally, we agree with CHP that the appropriate forum for challenging the duty absorption determination made in the course of the eleventh administrative review would have been in case briefs and/ or post-final challenges with respect to the administrative review. As we explained in the Sunset Policy Bulletin, the Department will provide to the Commission, on a company-specific basis, its findings regarding duty absorption (see section II.B.3.a). Therefore, in this final results of full sunset review we are reporting to the Commission the affirmative findings of duty absorption made by the Department in the amended review results of the eleventh administrative review.

Comment 2: The respondents argue that even if the Department's duty absorption methodology is lawful, its application is not appropriate in this case. Rather, for the purposes of the final results of this sunset review, the Department should report margins in accordance with its normal methodology—using margins found in the original investigation. The respondents elaborate that in the eleventh review, Cinsa's and ENASA's margins were calculated inclusive of an adjustment to account for alleged reimbursement of antidumping duties, a determination which they are currently challenging. They assert that in the final results of the eleventh administrative review the Department determined that reimbursement of antidumping duties owed by the affiliated U.S. importer took place, and the Department adjusted Cinsa's and ENASA's EP and CEP to effectively double the antidumping duty liability of the U.S. importer. Therefore, they argue that an additional adjustment to these margins—which have already been doubled due to reimbursement to account for duty absorption—result in impermissible double counting. The respondents argue that, in order to avoid the effects of impermissible double counting, the Department may report either (1) the margins calculated in the original investigation or (2) the margins calculated in the final results of the eleventh administrative review unadjusted for the alleged reimbursement of antidumping duties, but subject to the duty absorption methodology.

CHP, in its rebuttal comments, cites to the Sunset Policy Bulletin, and argues that because the Department made an affirmative determination of duty absorption in the administrative review of this order that was initiated in 1998, Department correctly applied its policy in the preliminary results of this sunset review. Additionally, CHP argues that the Department should reject the respondents' argument because the respondents inappropriately equate the Department's reimbursement regulation with the duty absorption provision of the statute with respect to both the purposes of the different provisions and the means of achieving the purposes. Specifically, CHP asserts that the reimbursement regulation is intended to address the relationship between the exporter and its U.S. importer (affiliated or unaffiliated) and provide a remedy when there is evidence that the exporter has reimbursed the U.S. importer for antidumping duties. The duty absorption provision, in contrast, is intended to address the relationship between an affiliated U.S. importer and its unaffiliated customers in the United States. CHP further asserts that duty reimbursement and duty absorption are separate problems with separate remedies. With respect to reimbursement, the exporter would cease transfers of funds to the importer to pay the antidumping duties, and the importer would demonstrate that it can satisfy its antidumping obligations without such assistance. Whereas, with respect to duty absorption, the affiliated U.S. importer would demonstrate that it passed the cost of antidumping duties through to its unaffiliated U.S. customers. Additionally, citing to the Statement of Administrative Action (''the SAA'') H.R. Doc. No. 103–316, Vol. 1 (1994), at 885–886, CHP argues that the SAA explicitly recognizes the different and mutually exclusive purposes of the duty absorption and reimbursement provisions. Arguing that reimbursement and duty absorption can occur independently of one another, CHP states that the respondents provided no reason why there could not be reimbursement of antidumping duties and duty absorption with respect to the same sales and, absent such evidence, the Department must conclude that both did occur. CHP argues that, if the Department determines that it may not adjust the final margins from the eleventh review to account for duty absorption under the theory that these margins have already been adjusted to reflect duty absorption, in the alternative, the Department should report the margins from the eleventh administrative review as the margins likely to prevail should the order be revoked.

DOC Position: In the Sunset Policy Bulletin the Department explained that, where duty absorption had been found in an administrative review initiated in 1998 (for transition orders), the Department normally will determine that a company's current dumping margin is not indicative of the margin likely to prevail if the order is revoked and will provide to the Commission the higher of the margin that the Department otherwise would have reported to the Commission or the most recent margin for that company adjusted to account for findings on duty absorption. The Department cited to the SAA at 885, and the House Report, H.R. Rep. No. 103–826, pt. 1 (1994), at 60, which provide that duty absorption is a strong indicator that the current dumping margins calculated by the Department in reviews may not be indicative of the margins that would exist in the absence of an order. After the revocation of an order, an importer could achieve the same pre-revocation return on its sales by lowering its prices in the United States in the amount of the duty that previously was being absorbed. Additionally, the Senate Report, S. Rep. No. 103–412 (1994), at 50, suggests that the Department's notification to the Commission of its findings on duty absorption should

include, to the extent practicable, some indication of the magnitude of the absorption.

Based on our analysis of the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the order, we preliminarily determined that we would normally determine that the margins calculated in the original investigation best reflect the behavior of producers/exporters without the discipline of the order (64 FR 46651). However, we noted that consistent with the Sunset Policy Bulletin, we were adjusting the most recent margin to account for duty absorption findings and, because the adjusted margins for Cinsa and ENASA are higher than the rates from the original investigation, we would report the adjusted rates as the margins likely to prevail were the order revoked. *Id.*

In light of the comments received, we have reconsidered our preliminary determination with respect to the magnitude of the margin likely to prevail should the order be revoked. While we agree with CHP that duty reimbursement and duty absorption are separate problems with separate remedies, we also agree with the respondents that, in this case, our stated policy of adjusting the margin to take into account the findings on duty absorption may result in an overestimation of the margin likely to prevail were the order revoked. Specifically, having determined duty reimbursement, for the purpose of calculating the export price and the constructed export price in the eleventh review, the Department deducted from the starting price the amount of antidumping duties reimbursed to CIC by Cinsa and ENASA.[1] This deduction for reimbursed duties had the effect of increasing the weighted-average margins found during the administrative review. The Department also found that both Cinsa and ENASA made all of their sales of the subject merchandise to the United States through an importer that is affiliated within the meaning of section 751(a)(4) of the Act. Because we determined that there was a dumping margin on 68.03 percent of Cinsa's U.S. sales during the period of review and on 98.52 percent of ENASA's sales during the period of review, we found that antidumping duties had been absorbed by the respondents on those percent of sales, respectively. *Id.* As noted above, although we agree that reimbursement and absorption may occur with respect to the same sales, because of the effect of consideration of reimbursement on the margin, we do not agree that the entire margin is absorbed such that we should double the margins calculated inclusive of reimbursement. We agree with CHP that it is not appropriate to recalculate margins from the eleventh administrative review in order to eliminate the effect of reimbursement. Rather, we believe that the calculation in the eleventh administrative review for reimbursement effectively approximates the calculation we would make to account for duty absorption. Therefore, consistent with the Sunset Policy Bulletin, for purposes of determining the magnitude of the margin likely to prevail, we considered the margins from the original investigation (*i.e.,* the margins we would otherwise report to the Commission) and the margins from the eleventh review. As provided in section II.B.3.b, where we have found duty absorption, we normally will report to the Commission the higher of the margin that the Department otherwise would have reported to the Commission or the most recent margin for that company adjusted to account for findings on duty absorption. Because the margins as calculated in the eleventh review are higher than those from the original investigation, we are reporting those as the magnitude of the margin likely to prevail were the order revoked.

[1] See Porcelain-on-Steel Cookware From Mexico: Preliminary Results of Antidumping Duty Administrative Review, 64 FR 1592 (January 11, 1999), Porcelain-on-Steel Cookware From Mexico: Final Results of Antidumping Duty Administrative Review, 64 FR 26934 (May 18, 1999), and Porcelain-on-Steel Cookware From Mexico: Amended Final Results of Antidumping Duty Administrative Review, 64 FR 29262 (June 1, 1999).

Final Results of Review

As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping for the reasons set forth in the Preliminary Results. Additionally, as discussed in the Preliminary Results and above, we find that during the administrative review covering the period December 1, 1986 through November 20, 1997, antidumping duties were absorbed by Cinsa on 68.03 percent of its U.S. sales of subject merchandise and by ENASA on 98.52 percent of its U.S. sales of subject merchandise. Furthermore, for the reasons set forth in the Preliminary Results and as discussed above, we find that the magnitude of the margins likely to prevail if the order were revoked are as follows: 25.42 percent for Cinsa, 65.28 percent for ENASA, and 29.52 percent for ''all others.''

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year (''sunset'') review and notice are in accordance with section 751(c), 752, and 777(i)(1) of the Act.

Dated: December 28, 1999.

Holly Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–98 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Recission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Antidumping Duty Administrative Review

SUMMARY: On June 30, 1999, the Department of Commerce published in the **Federal Register** a notice announcing the initiation of an administrative review of the antidumping duty order on pure magnesium from the People's Republic of China for one producer/exporter of pure magnesium from People's Republic of China, Taiyuan East-United Magnesium Company Ltd., covering the period May 1, 1998, through April 30, 1999. The Department of Commerce received a request for withdrawal of this review from Rossborough Manufacturing Company, a U.S. importer of subject merchandise, who requested the review. In accordance with 19 CFR 351.213(d)(1), the Department of Commerce is now terminating this review because the importer has withdrawn its request for review and no other interested parties have requested a review.

EFFECTIVE DATE: January 4, 2000.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

Background

The Department published in the **Federal Register** on May 19, 1999, a ''Notice of Opportunity to Request Administrative Review'' of the antidumping duty order on pure magnesium from the People's Republic of China (''PRC''). On May 28, 1999, Rossborough Manufacturing Company L.P. (''Rossborough''), a U.S. importer, requested that the Department conduct an administrative review of the antidumping duty order on pure magnesium from the PRC produced/exported by Taiyuan East-United Magnesium Company Ltd. for the period May 1, 1998, through April 30, 1999.

On June 30, 1999, the Department initiated an administrative review (64 FR 35124). On August 5, 1999, the Department sent a questionnaire to the PRC Department of Treaty and Law, Ministry of Foreign Trade and Economic Cooperation to be transmitted to Taiyuan East-United Magnesium Company Ltd. On December 22, 1999, Rossborough withdrew its request for a review.

Section 19 CFR 351.213(d)(1) of the Department's regulations provides that the Secretary may permit a party that requests a review to withdraw the request within 90 days after the date of publication of the notice of initiation of the requested review. The regulation also states that the Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. In this case, although the importer has withdrawn its request for a review more than 90 days from the date of initiation, because the Department has not yet devoted considerable time and resources to this proceeding, the Department has determined that it is reasonable to extend the time limit for Rossborough's withdrawal of its request for a review. Moreover, no other interested party requested a review and we have received no comments regarding Rossborough's withdrawal of its request for a review. Therefore, we are terminating this review of the antidumping duty order on pure magnesium from the PRC. This notice is published in accordance with section 751 of the Act and section 19 CFR 351.213(d)(1) of the Department's regulations.

Dated: December 23, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–27 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Application may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 99–033. Applicant: Ames Laboratory, U.S. Department of Energy, 211 TASF, Iowa State University, Ames, IA 50011–3020. Instrument: UHV Surface Analysis System, Model Multiprobe S. Manufacturer: Omicron Vakuum Physik GmbH, Germany. Intended Use: The instrument is intended to be used for the characterization and fundamental surface structural studies of a class of intermetallic materials known as quasicrystals. The objectives of the research will include the following: (1) To determine the near-atomic level structure of the clean surfaces of a variety of quasicrystalline materials as a function of surface preparation, (2) To ascertain if any of the surface preparation methods affect single phase samples to such a degree that they become multiphase, (3) To determine metal film growth characteristics when deposited on quasicrystalline substrates and (4) To determine the effect of typical environmental gases on surface structure. Application accepted by Commissioner of Customs: December 14, 1999.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–99 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–505]

Final Results of Full Sunset Review and Revocation of Countervailing Duty Order: Porcelain-on-Steel Cooking Ware From Mexico

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Full Sunset Review and Revocation of Countervailing Duty Order: Porcelain-on-Steel Cooking Ware from Mexico.

SUMMARY: On August 26, 1999, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the countervailing duty order on porcelain-on-steel cooking ware from Mexico (64 FR 46651) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We did not receive comments from any interested party. As a result of this review, the Department finds that revocation of the countervailing duty order would not be likely to lead to continuation or recurrence of countervailable subsidy. Therefore, we are revoking this countervailing duty order effective January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: January 1, 2000.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth

in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

Imports covered by this order are shipments of porcelain-on-steel cooking ware from Mexico, except teakettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel, and are enameled or glazed with vitreous glasses. This merchandise is classifiable under item number 7323.94.0020 of the Harmonized Tariff Schedule (''HTSUS''). The HTSUS item number is provided for convenience and customs purposes. The written description remains dispositive.

Background

On August 26, 1999, the Department issued the *Preliminary Results of Full Sunset Review: Porcelain-on-Steel Cooking Ware from Mexico* (64 FR 46646) (''*Preliminary Results*''). In our *Preliminary Results*, we found that revocation of the countervailing duty order would not be likely to result in recurrence of a countervailable subsidy. We provided all interested parties the opportunity to respond to our preliminary determination. W received no comments from any interested party.

Final Results of Review

As described in more detail in the Preliminary Results, in our analysis of likelihood of continuation or recurrence of a countervailable subsidy, we relied on factual information from the investigation and administrative reviews of this order. Because the Department conducted verification during the investigation and administrative reviews, we consider that the provisions of 19 CFR 351.307(b)(1)(iii) have been met.

As a result of this review, we find that revocation of the countervailing duty order on porcelain-on steel cooking ware from Mexico would not be likely to lead to continuation or recurrence of a countervailable subsidy for the reasons set forth in our *Preliminary Results* of review.

As a result of this determination by the Department that revocation of the countervailing duty order on porcelain-on steel cooking ware from Mexico would not be likely to lead to continuation or recurrence of a countervailable subsidy, the Department, pursuant to section 751(d)(2) of the Act, is revoking the countervailing duty order. Pursuant to 751(c)(6)(A)(iv) of the Act, this revocation is effective January 1, 2000. The Department will complete any pending administrative reviews of this countervailing duty order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations.

Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Dated: December 23, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–30 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Notice 2]

National Fire Codes: Request for Proposals for Revision of Codes and Standards

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) is publishing this notice for the National Fire Protection Association (NFPA) as a public service. NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

The National Fire Protection Association (NFPA) proposes to revise some of its fire safety codes and standards and requests proposals from the public to amend existing NFPA fire safety codes and standards. The purpose of this request is to increase public participation in the system used by the NFPA to develop its codes and standards.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESSES: Casey C. Grant, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269–9101.

FOR FURTHER INFORMATION CONTACT: Casey C. Grant, Secretary, Standards Council, at the above address, (617) 770–3000.

SUPPLEMENTARY INFORMATION:

Background

The NFPA develops fire safety codes and standards which are known collectively as the ''National Fire Codes.'' Federal agencies frequently use these codes and standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR part 51.

Requests for Proposals

Interested parties may submit amendments, supported by written date, views, or arguments to Casey C. Grant, Secretary, Council, NFPA, at the above address. Proposals should be submitted on forms available from the same address.

Each person must include his or her name and address, identify the document and give reasons for the proposal. Proposals received before or by 5:00 PM local time on the closing date indicated will be acted on by the Committee. The NFPA will consider any proposal that it receives on or before the date listed with the code or standard.

At a later date, each NFPA Technical Committee will issue a report which will include a copy of written proposals that the Committee has received and an account of their disposition by the Committee. Each person who has submitted a written proposal will receive a copy of the report.

Authority: 15 U.S.G. 272.

Dated: December 27, 1999.

Raymond G. Kammer,

Director.

NFPA No.	Proposal title	Closing date
NFPA 10–1998	Portable Fire Extinguishers	6/30/00
NFPA 15–1996	Water Spray Fixed Systems for Fire Protection	1/7/2000
NFPA 17–1998	Dry Chemical Extinguishing Systems	1/5/2001
NFPA 17A–1998	Wet Chemical Extinguishing Systems	1/5/2001
NFPA 25–1998	Water-Based Fire Protection Systems	6/30/2000
NFPA 40–1997	Cellulose Nitrate Motion Picture Film	1/7/2000
NFPA 51–1997	Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes	6/30/2000
NFPA 51B–1999	Fire Prevention During Welding, Cutting, and Other Hot Work	12/28/2001
NFPA 55–1998	Storage, Use, and Handling of Compressed and Liquefied Gases in Portable Cylinders.	7/6/2001
NFPA 61–1999	Fires and Dust Explosions in Agricultural and Food Products Facilities	1/5/2001
NFPA 72–1999	National Fire Alarm Code	1/5/2001
NFPA 75–1999	Electronic Computer/Data Processing Equipment	6/30/2000
NFPA 79–1997	Electrical Standard for Industrial Machinery	1/5/2001
NFPA 80–1999	Fire Doors and Fire Windows	6/30/2000
NFPA 80A–1996	Protection of Buildings from Exterior Fire exposures	1/7/2000
NFPA 96–1998	Ventilation Control and Fire Protection of Commercial Cooking Operations	1/7/2000
NFPA 101B–1999	Code for Means of Egress for Buildings and Structures	6/30/2000
NFPA 204–1998	Smoke and Heat Venting	6/30/2000
NFPA 252–1999	Fire Tests of Door Assemblies	12/28/2001
NFPA 260–1998	Cigarette Ignition Resistance of Components of Upholstered Furniture	1/5/2001
NFPA 261–1998	Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes.	12/28/2001
NFPA 262–1999	Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces	7/6/2001
NFPA 265–1998	Evaluating Room Fire Growth Contribution of Textile Wall Coverings	1/5/2001
NFPA 266–1998	Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source.	6/30/2000
NFPA 267–1998	Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source.	6/30/2000
NFPA 268–1996	Ignitability of Exterior Wall Assemblies Using a Radiant Heat Energy Source	1/7/2000
NFPA 270–1998	Measurement of Smoke Obscuration Using a Conical Radiant Source in a Single Closed Chamber.	6/30/2000
NFPA 271–1998	Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter.	1/7/2000
NFPA 272–1999	Heat and Visible Smoke Release Rates for Upholstered Furniture Components or Composites and Mattresses Using and Oxygen Consumption Calorimeter.	7/6/2001
NFPA 285–1998	Evaluation of Flammability Characteristics of Exterior Non-Load Bearing Wall Assemblies Containing Combustible Components Using the Intermediate-Scale Multistory Test Apparatus.	12/28/2001
NFPA 288–P *	Fire Tests of Floor Door Assemblies	1/7/2000
NFPA 301–1998	Safety to Life from Fire on Merchant Vessels	1/7/2000
NFPA 306–1997	Control of Gas Hazards of Vessels	1/7/2000
NFPA 402–1996	Aircraft Rescue and Fire Fighting Operations	1/7/2000
NFPA 407–1996	Aircraft Fuel Servicing	1/7/2000
NFPA 424–1996	Airport/Community Emergency Planning	1/7/2000
NFPA 432–1997	Organic Peroxide Formulations	1/7/2000
NFPA 471–1997	Responding to Hazardous Materials Incidents	6/30/2000
NFPA 472–1997	Professional Competence of Responders to Hazardous Materials Incidents	6/30/2000
NFPA 473–1997	EMS Personnel Responding to Hazardous Materials Incidents	6/30/2000
NFPA 482–1996	Zirconium	1/7/2000
NFPA 502–1998	Road Tunnels, Bridges, and Other Limited Access Highways	1/7/2000
NFPA 505–1999	Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.	1/5/2001
NFPA 513–1998	Motor Freight Terminals	1/7/2000
NFPA 560–1995	Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation	1/7/2000
NFPA 664–1998	Wood Processing and Woodworking Facilities	1/7/2000
NFPA 704–1996	Identification of the Hazards of Materials for Emergency Response	1/7/2000
NFPA 705–1997	Field Flame Test for Textiles and Films	1/5/2001
NFPA 902–1997	Fire Reporting Field Incident Guide	6/30/2000
NFPA 903–1996	Fire Reporting Property Survey Guide	6/30/2000
NFPA 904–1996	Incident Follow-up Report Guide	6/30/2000
NFPA 1041–1996	Fire Service Instructor Professional Qualifications	6/30/2000
NFPA 1051–1995	Wildland Fire Fighter Professional Qualifications	6/30/2000
NFPA 1061–1996	Professional Qualifications for Public Safety Telecommunicator	6/30/2000
NFPA 1081–P *	Industrial Fire Brigade Member Professional Qualifications	1/7/2000
NFPA 1124–1998	Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles	1/7/2000
NFPA 1127–1998	High Power Rocketry	1/7/2000
NFPA 1142–1999	Water Supplies for Suburban and Rural Fire Fighting	1/7/2000
NFPA 1192–1999	Recreational Vehicles	6/30/2000
NFPA 1194–1999	Recreational Vehicle Parks and Campgrounds	6/30/2000
NFPA 1500–1997	Fire Department Occupational Safety and Health Program	6/30/2000
NFPA 1521–1997	Fire Department Safety Officer	6/30/2000

NFPA No.	Proposal title	Closing date
NFPA 1710–P *	Organization and Deployment of Fire Suppression Emergency Medical Operations, and Special Operations Provided to the Public by Career Fire Departments.	1/7/2000
NFPA 1720–P *	Volunteer Fire Service Deployment	1/7/2000
NFPA 1981–1997	Open-Circuit Self-Contained Breathing Apparatus for the Fire Service	6/30/2000
NFPA 1982–1998	Personal Alert Safety Systems (PASS)	6/30/2000
NFPA 1999–1997	Protective Clothing for Emergency Medical Operations	1/5/2001
NFPA 2112–P *	Flash Fire Protective Garments for Industrial Personnel	1/7/2000
NFPA 2113–P *	Selection, Care, Use, and Maintenance of Flash Fire Protective Garments	1/7/2000

* P Proposed New drafts are available from the NFPA Codes and Standards Administration, 1 Batterymarch Park, Quincy, MA 02269.

[FR Doc. 00–80 Filed 1–3–00; 8:45 am]
BILLING CODE 3510–03–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Notice 1]

National Fire Codes: Request for Comments on NFPA Technical Committee Reports

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) is publishing this notice for the National Fire Protection Association (NFPA) as a public service. NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

The NFPA revises existing standards and adopts new standards twice a year. At its November meeting or its May meeting, the NFPA acts on recommendations made by its technical committees. The purpose of this notice is to request comments on technical committee reports which will be presented at NFPA's 2000 November Meeting.

DATES: Thirty-eight reports appear in the ''2000 November Meeting Report on Proposals'' which becomes available on January 21, 2000. Comments received on or before March 31, 2000, will be considered by the respective NFPA committees before final action is taken on the proposals.

ADDRESSES: The ''2000 November Meeting Report on Proposals'' is available from NFPA, Fulfillment Center, 11 Tracy Drive, Avon, MA 02322. Comments on the technical committee reports should be submitted by Casey C. Grant, Secretary, Standards Council, NFPA, Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269–9101.

FOR FURTHER INFORMATION CONTACT: Casey C. Grant, Secretary, Standards Council, NFPA, at the above address, (617) 770–3000.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by NFPA technical committees have been used by various federal agencies as the basis for Federal regulations concerning fire safety. The NFPA codes and standard are known collectively as the ''National Fire Codes.'' Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 52(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by NFPA technical committees at the NFPA November meeting or at the May meeting each year. The NFPA invites public comments on its technical committee reports contained in the ''2000 November Report on Proposals.''

Request for Comments

Interested persons may participate in these revisions by submitting written data, views, or arguments to Casey C. Grant, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269–9101. Commenters may use the forms provided for comments in the ''2000 November Meeting Report on Proposals.'' Each person submitting a comment should include his or her name and address, identify the notice and give reasons for any recommendations. Comments received on or before March 31, 2000 will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the ''2000 November Meeting Report on Comments'' by September 22, 2000, prior to the November meeting. A copy of this report will be sent automatically to each commenter. Action on the reports of the NFPA technical committees (adoption or rejection) will be taken by NFPA members at the November meeting, November 11–15, 2000, in Orlando, Florida.

Authority: 15 U.S.C. 272.

Dated: December 27, 1999.

Raymond G. Kammer,

Director.

2000 NOVEMBER MEETING; REPORT ON PROPOSALS

[P=Partial revision; W=Withdrawal; R=Reconfirmation; N=New; C=Complete Revision]

Doc No.	Title	Action
31	Standard for the Installation of Oil-Burning Equipment	C
36	Standard for Solvent Extraction Plants	P
50	Standard for Bulk Oxygen Systems at Consumer Sites	P
51A	Standard for Acetylene Cylinder Charging Plants	P
58	Liquefied Petroleum Gas Code	C
59	Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants	C
59A	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)	C
85	Combustion Systems Hazards Code	C
101A	Guide on Alternative Approaches to Life Safety	P
105	Recommended Practice for the Installation of Smoke-Control Door Assemblies	C

2000 NOVEMBER MEETING; REPORT ON PROPOSALS—Continued

[P=Partial revision; W=Withdrawal; R=Reconfirmation; N=New; C=Complete Revision]

Doc No.	Title	Action
111	Standard on Stored Electrical Energy Emergency and Standby Power Systems	P
121	Standard on Fire Protection for Self-Propelled and Mobile Surface Mining Equipment	P
160	Standard for Flame Effects Before an Audience	P
258	Standard Research Test Method for Determining Smoke Generation of Solid Materials	C
287	Standard Methods of Test for Measurement of Material Flammability Using a Fire Propagation Apparatus (FPA).	N
418	Standard for Heliports	P
803	Standard for Fire Protection for Light Water Nuclear Power Plants	W
804	Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants	P
805	Standard on Performance-Based Fire Protection for Light Water Reactor Electric Generation Plants	N
901	Standard Classifications for Incident Reporting and Fire Protection Data	C
909	Standard for the Protection of Cultural Resources, Including Museums, Libraries, Places of Worship, and Historic Properties.	P
914	Recommended Practice for Fire Protection in Historic Structures	C
921	Guide for Fire and Explosion Investigations	P
1126	Standard for the Use of Pyrotechnics before a Proximate Audience	P
1401	Recommended Practice for Fire Service Training Reports and Records	P
1405	Guide for Land-Based Fire Fighters Who Respond to Marine Vessel Fires	P
1851	Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensemble Elements	N
1906	Standard for Wildland Fire Apparatus	C
1912	Standard on Refurbishing Fire Apparatus	N
1951	Standard on Protective Ensemble for Urban Technical Rescue Incidents	N
1983	Standard on Fire Service Life Safety Rope and System Components	C
1994	Standard on Protective Ensembles for Chemical or Biological Terrorism Incidents	N
8501	Standard for Single Burner Boiler Operation	W
8502	Standard for Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers	W
8503	Standard for Pulverized Fuel Systems	W
8504	Standard on Atmospheric Fluidized-Bed Boiler Operation	W
8505	Standard for Stoker Operation	W
8506	Standard on Heat Recovery Steam Generator Systems	W

NFPA No.	Title	Proposal closing date
NFPA 10–1998	Portable Fire Extinguishers	6/30/2000
NFPA 15–1996	Water Spray Fixed Systems for Fire Protection	1/7/2000
NFPA 17–1998	Dry Chemical Extinguishing Systems	1/5/2001
NFPA 17A–1998	Wet Chemical Extinguishing Systems	1/5/2001
NFPA 25–1998	Water-Based Fire Protection Systems	6/30/2000
NFPA 40–1997	Cellulose Nitrate Motion Picture Film	1/7/2000
NFPA 51–1997	Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes	6/30/2000
NFPA 51B–1999	Fire Prevention During Welding, Cutting, and Other Hot Work	12/28/2001
NFPA 55–1998	Storage, Use, and Handling of Compressed and Liquefied Gases in Portable Cylinders.	7/6/2001
NFPA 61–1999	Fires and Dust Explosions in Agricultural and Food Products Facilities	1/5/2001
NFPA 72–1999	National Fire Alarm Code	1/5/2001
NFPA 75–1999	Electronic Computer/Data Processing Equipment	6/30/2000
NFPA 79–1997	Electrical Standard for Industrial Machinery	1/5/2001
NFPA 80–1999	Fire Doors and Fire Windows	6/30/2000
NFPA 80A–1996	Protection of Buildings from Exterior Fire Exposures	1/7/2000
NFPA 96–1998	Ventilation Control and Fire Protection of Commercial Cooking Operations	1/7/2000
NFPA 101B–1999	Code for Means of Egress for Buildings and Structures	6/30/2000
NFPA 204–1998	Smoke and Heat Venting	6/30/2000
NFPA 252–1999	Fire Tests of Door Assemblies	12/28/2001
NFPA 260–1998	Cigarette Ignition Resistance of Components of Upholstered Furniture	1/5/2001
NFPA 261–1998	Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes.	12/28/2001
NFPA 262–1999	Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces	7/6/2001
NFPA 265–1998	Evaluating Room Fire Growth Contribution of Textile Wall Coverings	1/5/2001
NFPA 266–1998	Fire Characteristics of Upholstered Furniture Exposed to Flaming Ignition Source	6/30/2000
NFPA 267–1998	Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Source.	6/30/2000
NFPA 268–1996	Ignitibility of Exterior Wall Assemblies Using a Radiant Heat Energy Source	1/7/2000
NFPA 270–1998	Measurement of Smoke Obscuration Using a Conical Radiant Source in a Single Closed Chamber.	6/30/2000
NFPA 271–1998	Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter.	1/7/2000
NFPA 272–1999	Heat and Visible Smoke Release Rates for Upholstered Furniture Components or Composites and Mattresses Using an Oxygen Consumption Calorimeter.	7/6/2001

NFPA No.	Title	Proposal closing date
NFPA 285–1998	Evaluation of Flammability Characteristics of Exterior Non-Load Bearing Wall Assemblies Containing Combustible Components Using the Intermediate-Scale Multistory Test Apparatus.	12/28/2001
NFPA 288–P*	Fire Tests of Floor Door Assemblies	1/7/2000
NFPA 301–1998	Safety to Life from Fire on Merchant Vessels	1/7/2000
NFPA 306–1997	Control of Gas Hazards on Vessels	1/7/2000
NFPA 402–1996	Aircraft Rescue and Fire Fighting Operations	1/7/2000
NFPA 407–1996	Aircraft Fuel Servicing	1/7/2000
NFPA 424–1996	Airport/Community Emergency Planning	1/7/2000
NFPA 432–1997	Organic Peroxide Formulations	1/7/2000
NFPA 471–1997	Responding to Hazardous Materials Incidents	6/30/2000
NFPA 472–1997	Professional Competence of Responders to Hazardous Materials Incidents	6/30/2000
NFPA 473–1997	EMS Personnel Responding to Hazardous Materials Incidents	6/30/2000
NFPA 482–1996	Zirconium	1/7/2000
NFPA 502–1998	Road Tunnels, Bridges, and Other Limited Access Highways	1/7/2000
NFPA 505–1999	Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.	1/5/2001
NFPA 513–1998	Motor Freight Terminals	1/7/2000
NFPA 560–1995	Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation	1/7/2000
NFPA 664–1998	Wood Processing and Woodworking Facilities	1/7/2000
NFPA 704–1996	Identification of the Hazards of Materials for Emergency Response	1/7/2000
NFPA 705–1997	Field Flame Test for Textiles and Films	1/5/2001
NFPA 902–1997	Fire Reporting Field Incident Guide	6/30/2000
NFPA 903–1996	Fire Reporting Property Survey Guide	6/30/2000
NFPA 904–1996	Incident Follow-up Report Guide	6/30/2000
NFPA 1041–1996	Fire Service Instructor Professional Qualifications	6/30/2000
NFPA 1051–1995	Wildland Fire Fighter Professional Qualifications	6/30/2000
NFPA 1061–1996	Professional Qualifications for Public Safety Telecommunicator	6/30/2000
NFPA 1081–P*	Industrial Fire Brigade Member Professional Qualifications	1/7/2000
NFPA 1124–1998	Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles	1/7/2000
NFPA 1127–1998	High Power Rocketry	1/7/2000
NFPA 1142–1999	Water Supplies for Suburban and Rural Fire Fighting	1/7/2000
NFPA 1192–1999	Recreational Vehicles	6/30/2000
NFPA 1194–1999	Recreational Vehicle Parks and Campgrounds	6/30/2000
NFPA 1500–1997	Fire Department Occupational Safety and Health Program	6/30/2000
NFPA 1521–1997	Fire Department Safety Officer	6/30/2000
NFPA 1710–P*	Organization and Deployment of Fire Suppression Emergency Medical Operations, and Special Operations Provided to the Public by Career Fire Departments.	1/7/2000
NFPA 1720–P*	Volunteer Fire Service Deployment	1/7/2000
NFPA 1981–1997	Open-Circuit Self-Contained Breathing Apparatus for the Fire Service	6/30/2000
NFPA 1982–1998	Personal Alert Safety Systems (PASS)	6/30/2000
NFPA 1999–1997	Protective Clothing for Emergency medical Operations	1/5/2001
NFPA 2112–P*	Flash Fire Protective Garments for Industrial Personnel	1/7/2000
NFPA 2113–P*	Selection, Care, Use, and Maintenance of Flash Fire Protective Garments	1/7/2000

*P Proposed NEW drafts are available from the NFPA Codes and Standards Administration, 1 Batterymarch Park, Quincy, MA 02269.

[FR Doc. 00–79 Filed 1–3–00; 8:45 am]
BILLING CODE 3510–03–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121799B]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that the Southwest Fisheries Science Center, Honolulu Laboratory, NMFS, 2570 Dole Street, Honolulu, Hawaii 96822–2396, has been issued an amendment to scientific research Permit No. 848–1335.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS,

1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310/980–4001); and

Protected Species Program Manager, Pacific Islands Area Office, Southwest Region, NMFS, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI (808/973–2937).

SUPPLEMENTARY INFORMATION: On August 30, 1999, notice was published in the **Federal Register** (64 FR 47172) that an amendment of Permit No. 848–1335, issued June 10, 1997 (62 FR 32586), had been requested by the above-named organization. The requested amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Regulations Governing the Taking, Importing, and Exporting of Endangered Fish and Wildlife (50 CFR part 222). The amendment authorizes: an increase the number of animals authorized to be taken (*i.e.*, harassed) during pelagic

ecology studies from 30 to 100 seals annually for the duration of the permit, and to: (1) allow retrieval of time-depth recorders (TDRs) from Hawaiian monk seals; (2) provide additional take by instrumentation (including sonic tags) to support continued research into the foraging ecology of Hawaiian monk seals; and (3) allow an additional procedure, isotopic water dilution, to estimate the body composition as an indication of foraging success and condition of study subjects. For this amendment, some of these seals may be taken up to three times: Once to apply a VHF transmitter, a second time to apply a TDR or satellite-linked time-depth recorder (SLTDR), and a third time to retrieve the TDR/SLTDR.

Issuance of this amendment, as required by the ESA, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: dECEMBER 27, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–85 Filed 1–3–00; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Collection of Information; Proposed Extension of Approval; Comment Request—Follow-Up Activities for Product-Related Injuries

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission requests comments on a proposed extension of approval of a collection of information from persons who have been involved in or have witnessed incidents associated with consumer products. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget.

DATES: The Office of the Secretary must receive comments not later than March 6, 2000.

ADDRESSES: Written comments should be captioned ''Product-Related Injuries'' and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to that office, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127 or by e-mail at cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For information about the proposed extension of approval of the collection of information, or to obtain a copy of any of the interview guides or forms used for this collection of information, contact Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0416, extension 2226; email lglatz@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Section 5(a) of the Consumer Product Safety Act, 15 U.S.C. 2054(a), requires the Commission to collect information related to the causes and prevention of death, injury, and illness associated with consumer products. That legislation also requires the Commission to conduct continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products. The Commission uses this information to support development and improvement of voluntary standards, rulemaking proceedings, information and education campaigns, and administrative and judicial proceedings. These safety efforts are vitally important to help make consumer products safer and to remove unsafe products from the channels of distribution and from consumers' homes.

Persons who have sustained injuries or who have witnessed safety-related incidents associated with consumer products are an important source of safety information. From consumer complaints, newspaper accounts, death certificates, hospital emergency room reports, and other sources, the Commission investigates a limited number of incidents. These investigations may involve face-to-face or telephone interviews with accident victims or witnesses. The Commission also receives information about product-related injuries from persons who provide written information by using forms displayed on the Commission's internet web site or printed in the *Product Safety Review* and other Commission publications.

The Office of Management and Budget (OMB) approved the collection of information concerning product-related injuries under control number 3041–0029. OMB's most recent extension of approval will expire on May 31, 2000. The Commission now proposes to request an extension of approval with changes of this collection of information. As explained below, the changes consist of a net reduction of 752 burden hours.

B. Estimated Burden

Each year, the Commission staff obtains information about incidents involving consumer products from approximately 8,500 persons. The staff conducts face-to-face interviews at incident sites with approximately 400 persons each year (down from the 700 persons estimated in 1997). On average, an on-site interview takes approximately 5 hours. The staff will also conduct approximately 1,600 in-depth investigations by telephone (down from the 2,200 estimated in 1997). Each in-depth telephone investigation requires approximately 20 minutes. Additionally, the Commission's hotline staff interviews approximately 4000 persons each year about incidents involving selected consumer products (up from 1997's estimate of 160). These interviews take an average of 10 minutes each (up from 1997's estimate of 1.5 minutes each). Each year, the Commission also receives information from about 2,500 persons (up from 1997's estimated 1000) who complete forms requesting information about product-related incidents or injuries. These forms appear on the Commission's internet web site and are printed in the Product Safety Review and other Commission publications. The staff estimates that completion of the form takes about 12 minutes.

The Commission staff estimates that this collection of information imposes a total annual hourly burden of 3,700 hours on all respondents: 2,000 hours for face-to-face interviews; 533 hours for in-depth telephone interviews; 500 hours for completion of written forms; and 667 hours for responses to Hotline telephone questionnaires.

The Commission staff estimates the value of the time of respondents to this collection of information at $13.50 an hour. This is based on the average hourly wage for all workers in the United States reported by the U.S. Bureau of the Census in the 1999 edition of the Statistical Abstract of the United States. At this valuation, the estimated annual cost to the public of this information collection will be about $50,000.

C. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: December 29, 1999.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 00–107 Filed 1–3–00; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Joint Advisory Committee on Nuclear Weapons Surety; Meeting.

ACTION: Notice of Advisory Committee Meeting

SUMMARY: The Joint Advisory Committee on Nuclear Weapons Surety will conduct a closed session on January 14, 2000 at Science Applications International Corporation, San Diego, California.

The Joint Advisory Committee is charged with advising the Secretaries of Defense and Energy, and the Joint Nuclear Weapons Council on nuclear weapons surety matters. At this meeting the Joint Advisory Committee will receive classified briefings on nuclear weapons production and surety status.

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended, Title 5, U.S.C. App. II, (1988)), this meeting concerns matters sensitive to the interests of national security, listed in 5 U.S.C. Section 552b(c)(1) and accordingly this meeting will be closed to the public.

Dated: December 28, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–51 Filed 1–3–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

U.S. Marine Corps

Privacy Act of 1974; System of Records

AGENCY: U.S. Marine Corps, DoD.
ACTION: Amend Records Systems

SUMMARY: The U.S. Marine Corps proposes to amend eight systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on February 3, 2000 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Head, FOIA and Privacy Act Section, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. B. L. Thompson at (703) 614–4008 or DSN 224–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed actions are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety.

Dated: December 28, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

MMN00021

SYSTEM NAME:

Weapons Registration *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).'

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RETENTION AND DISPOSAL:

Delete entry and replace with 'Record destroyed when member departs command.'

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MMN00021

SYSTEM NAME:

Weapons Registration.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, military or civilian, registered firearms or other weapons with Provost Marshal.

All individuals who purchase a firearm or weapon at authorized exchange activities.

Any individual who resides in government quarters who possesses privately owned firearms.

CATEGORIES OF RECORDS IN THE SYSTEM:

Weapon registration cards, weapon permit cards, notification to commanding officers of failure to register a firearm purchased at authorized exchanges, exchange notification or firearm purchase. Such records showing name, rank, Social Security Number, organization, physical location of subject weapon, weapon description and such other identifiable items required to comply with all federal, state, and local weapons registration ordinances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a record of weapons registered to individuals on base to ensure proper control of firearms/weapons and to monitor purchase and disposition of firearms/weapons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic files.

RETRIEVABILITY:

Name, Social Security Number, organization, caliber and gage of weapon.

SAFEGUARDS:

Access provided on a need-to-know basis only. Locked and/or guarded offices.

RETENTION AND DISPOSAL:

Record destroyed when member departs command.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of activity, investigators, witnesses and correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00022

SYSTEM NAME:

Vehicle Control System *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).'

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph.

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MMN00022

SYSTEM NAME:

Vehicle Control System.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals that have motor vehicles, boats, or trailers registered at a particular Naval installation or either a permanent or temporary basis.

All individuals who apply for a Government Motor Vehicle Operator's license.

All individuals who possess a Government Motor Vehicle Operator's license with authority to operate government motor vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records of each individual who has registered a vehicle on the installation concerned to include decal data, insurance information, state of registration and identification. File also contains notations of traffic violations, citations, suspensions, applications for government vehicle operator's I.D. card, operator qualifications and record licensing examination and performance, record of failures to qualify Government Motor Vehicle Operator's permit, record of government motor vehicle and other vehicle accidents, information on student driver training, and identification for parking control.

Records of traffic violations, citations and suspensions. For government motor vehicle operators: Application for vehicle operator's I.D. card: Operator qualifications and record of licensing examination and performance, record of failures Government Motor Vehicle Operator's permit, record of issue of SF-46, Record of Government Motor Vehicle accidents, standard Form 91 accident report, record of SF-46 suspensions/revocations, record of student driver's training.

Identification of parking control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a record of each individual who has registered a vehicle on an installation to include a record on individuals authorized to operate official government vehicles.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Name, Social Security Number, case number, organization, decal number, state license plate number, vehicle description.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel. Areas are locked during nonduty hours and buildings are protected by security guards.

RETENTION AND DISPOSAL:

Records are maintained for one year after transfer or separation from the installation concerned. Paper records are then destroyed and records on magnetic tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name and Social Security Number. Individuals visiting the installation concerned should provide proper identification such as military identification, driver's license or other suitable identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name and Social Security Number. Individuals visiting the installation should provide proper identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00036

SYSTEM NAME:

Identification Card Control *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By name and/or Social Security Number.'

SAFEGUARDS:

Delete entry and replace with 'Records are maintained in areas accessible only by authorized personnel.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Record destroyed two years from date of closing entry.'

* * * * *

MMN00036

SYSTEM NAME:

Identification Card Control.

SYSTEM LOCATION:

All U.S. Marine Corps units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular and Reserve Marines including retired and disability retired and their dependents who have been issued an Identification Card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log book contains name, rank, Social Security Number, and card number, issue date, expiration date, signature of person card issued to and signature of issuing person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a record of identification cards issued to military members for accountability purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are kept in a log book.

RETRIEVABILITY:

By name and/or Social Security Number of type of card issued.

SAFEGUARDS:

Records are maintained in areas accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Record destroyed two years from date of closing entry.

SYSTEM MANAGER(S) AND ADDRESS:

Unit Commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Unit Commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Unit Commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officers Qualification Record/Service Record Book of individual application for dependents privilege card, correspondence from Headquarters, U.S. Marine Corps.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00037

SYSTEM NAME:

Library Patron File *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace '5 U.S.C. 301, Departmental Regulation; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. Order 9397 (SSN).'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete paragraphs two, three, and four.

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Alphabetically by last name for paper records or by name or Social Security Number electronically.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are maintained for seven years, based on library usage. After retention period, records are deleted from database or destroyed.'

* * * * *

MMN00037

SYSTEM NAME:

Library Patron File.

SYSTEM LOCATION:

System is decentralized and is maintained at Marine Corps commands, organizations and activities having libraries. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active, reserve and retired military personnel, their dependents, and others who are entitled to use and borrow material from Marine Corps libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

The library patron file may contain the following information pertinent to each individual: Name, rank, Social Security Number; organization and organization address and phone number; home address and home phone number; names and ages of dependents; title of materials borrowed; date borrowed; date returned; and notation of monetary settlement if borrowed material was lost or damaged.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. Order 9397 (SSN).

PURPOSE(S):

To provide a record of library patrons who are entitled to use and borrow material from Marine Corps libraries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic files.

RETRIEVABILITY:

Alphabetically by last name for paper records or by name or Social Security Number electronically.

SAFEGUARDS:

Library is locked when not in use. Only authorized personnel have access to records during working hours.

RETENTION AND DISPOSAL:

Records are maintained for seven years, based on library usage. After retention period, records are deleted from database or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity maintaining Marine Corps libraries. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the library in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the Marine Corps command, organization or activity that maintains the library in question.

Written requests for information should contain the full name of the individual, Social Security Number, organization to which assigned when library utilized, and current address.

For personal visits the individual should be able to provide acceptable personal identification during normal hours of library operation.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual concerned, library director and library staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00038

SYSTEM NAME:

Amateur Radio Operator's File *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy;

10 U.S.C. 5041, Headquarters, Marine Corps.'

* * * * *

SAFEGUARDS:

Delete entry and replace with 'Records maintained in areas accessible only by authorized personnel.'

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MMN00038

SYSTEM NAME:

Amateur Radio Operator's File.

SYSTEM LOCATION:

Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All amateur radio operators who operate at Marine Corps activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Federal Communications Center license number, operating frequency, type of equipment and home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record of all amateur radio operators at Marine Corps activities to ensure proper radio management by communications center personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Alphabetical by last name.

SAFEGUARDS:

Records maintained in areas accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon departure from Marine Corps activity.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain the full name and grade of the individual.

For personal visit, the individual should be able to provide valid personal identification such as an employee badge, driver's license, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00039

SYSTEM NAME:

Citizen Band Radio Request and Authorization File *(February 22, 1993, 58 FR 10630).*

CHANGES:

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete the entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.'

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MMN00039

SYSTEM NAME:

Citizen Band Radio Request and Authorization File.

SYSTEM LOCATION:

Communication Electronics Office Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who desire to operate amateur/citizen band radios at Marine Corps installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Amateur/Citizen Band Radio Operation Request and Authorization Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps.

PURPOSE(S):

To provide a record of individuals who have requested and are authorized to operate amateur/citizen band radios.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name of the individual..

SAFEGUARDS:

Located in a secure area that is manned on a 24-hour basis.

RETENTION AND DISPOSAL:

Retained for one (1) year and if not renewed, the form is destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity in question. U.S. Marine Corps official

mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual requester and Communication Electronics Officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00040

SYSTEM NAME:

Individual Training Records/Training Related Matters *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete the entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy, 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete paragraphs two, three, and four.

STORAGE:

Delete entry and replace with 'Paper and electronics records.'

RETRIEVABILITY:

Delete the entry and replace with 'By name and Social Security Number.'

* * * * *

MMN00040

SYSTEM NAME:

Individual Training Records/Training Related Matters.

SYSTEM LOCATION:

System is decentralized and maintained at all Marine Corps commands, organizations and activities, Regular and Reserve. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned, attached to or serving with a Marine Corps command, activity or organization to include recruit training, formal military schools, operational units and training facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The individual training record may contain the following information pertinent to each individual: Name, rank, Social Security Number, age, sex, military occupational specialty or specialties, date joined unit, date of end of active service, date of birth, proficiency and conduct scores, physical fitness test scores, rifle and pistol qualification scores, gas mask size, blood type, leadership proficiency, military school and correspondence course records and results, special training qualifications, weight and physical characteristics, medical record extracts addressing weight control and physical fitness, human relations training experience, troop information exposure, general military subject test results, water survival qualification, instructor qualifications, specialized equipment qualification, personal counseling records, foreign language qualifications, inspection results, etc.

In the case of recruit training, special data as reflects remedial training, counseling, weakness or excellence, recruit questionnaires and reading evaluations may be included.

For personnel attending formal schools, evaluation information and data reflecting successful completion or termination for cause may be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy, 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a record of all training received by members on active duty in the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronics records.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Records are retained in controlled access areas and handled by trained and cleared personnel on a strict 'need-to-know' basis.

RETENTION AND DISPOSAL:

Files are retained during the period the individual is assigned to the activity maintaining the record. Upon transfer of the individual concerned, records are transferred with the individual or destroyed.

In the case of drill instructor or recruit records, records are maintained for four years after departure of individual, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380-1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the Marine Corps command, organization or activity to which the individual is assigned for duty or training. U.S. Marine Corps official mailing addresses are incorporated into the Department of the

Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the command, organization or activity to which assigned for duty or training. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain name, rank, Social Security Number and dates assigned to the activity addressed. In cases where individual attended a formal school, name of course and course number should be included if available.

Personal visits may be made to the activity in question any normal work day between 8 a.m. - 4:30 p.m. For personal visits individual should be able to provide valid personal identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Training performance, evaluations, on-the-job performance evaluations, individual and instructor evaluations, individual service records, Manpower Management System, test and inspection results and training correspondence addressing individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MTE00001

SYSTEM NAME:

Telephone Billing/Accounting File *(February 22, 1993, 58 FR 10630).*

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete the entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy, 10 U.S.C. 5041, Headquarters, and E.O. 9397 (SSN).'

* * * * *

STORAGE:

Delete the entry and replace with 'Paper and electronic records.'

* * * * *

MTE00001

SYSTEM NAME:

Telephone Billing/Accounting File.

SYSTEM LOCATION:

All Marine Corps activities maintaining telephone accounts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel, civilian contractors, concessions, and Marine Corps sponsored activities that are provided unofficial government telephone service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, Social Security Number, grade, military address, telephone number assigned to individuals in the system, civilian contractor's business address and business telephone numbers, ledger of itemized telephone service charges and payments, receipted bills, requests for service, account number, addressograph plate, cash collections vouchers for telephone deposits, and routine correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy, 10 U.S.C. 5041, Headquarters, and E.O. 9397 (SSN).

PURPOSE(S):

To provide a record amounts owed and paid for telephone services at Marine Corps activities. The file is also used as a telephone directory service except for numbers unlisted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information accessed and retrieved by name, address or telephone number.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel and are under constant supervision. The building is locked during non-working hours and someone is on duty 24 hours a day.

RETENTION AND DISPOSAL:

Records remain active until individual leaves the Marine Corps activity concerned. Records are then transferred to an inactive file for four years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the command to which an individual is assigned for duty. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the command to which an individual is assigned for duty. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should include name and Social Security Number and address.

For personal visits, the individual should be able to provide the proper military or civilian identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application of the individual desiring telephone service in government housing aboard the activity.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–52 Filed 1–3–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF ENERGY

Office of Policy; Availability of the Interim Report of the U.S. Department of Energy's Power Outage Study Team: Findings From the Summer of 1999 and Notice of Workshops

AGENCY: Office of Policy, Department of Energy.

ACTION: Notice of availability of interim report and announcement of workshops.

SUMMARY: This notice announces the availability of *The Interim Report of the U.S. Department of Energy's Power Outage Study Team: Findings From the Summer of 1999* as well as a series of technical workshops to be held seeking comments on issues identified in the report. In the report the team releases the results of its investigation into significant electric power outages and other power disturbances that occurred in various parts of the country during the summer of 1999. Developed in response to Secretary of Energy Bill Richardson's six-point initiative to help prevent future power outages, the report was prepared by a team of experts composed of personnel from the Department of Energy headquarters staff, the Department's national laboratories, and academic institutions. The team is seeking input on issues identified in the report in workshops, over the Internet, and by mail. The team will then consider these comments in developing recommendations in its final report to the Secretary on what role the Federal government should play in addressing ways to avoid future outages. The final report is expected to be issued in March of 2000 and will be the focus of policy-level discussions among industry leaders and local and state government officials.

DATES: The Power Outage Study Team has planned three workshops for those wishing to comment on the issues identified in the report. The workshop schedule is as follows:

January 20, 2000—8:30 a.m. to 5:00 p.m., San Francisco, California

Topics

Transition to Competitive Energy Service Markets (morning session)

Regulatory Policy for Reliable Transmission and Distribution (afternoon session)

January 25, 2000—8:30 a.m. to 5:00 p.m., New Orleans, Louisiana

Topics

Information Resources (morning session)

Operations Management and Emergency Response (afternoon)

January 27, 2000—8:30 a.m. to 12:00 p.m., Newark, New Jersey

Topic

Reliability Metrics, Planning and Tracking

ADDRESSES: The workshop locations are:

San Francisco: Clarion Hotel San Francisco Airport, 401 East Millbrae Avenue, Millbrae, California, 94030, (800)223–7111

New Orleans: Radisson Inn, New Orleans Airport, 2150 Veterans Memorial Blvd, Kenner, Louisiana 70062, (504) 467–3111

Newark: Holiday Inn, Newark International Airport, 160 Frontage Rd. Newark, New Jersey 07114, (973) 589–1000

All stakeholders are invited to register to participate in one or more of the workshops. A registration form is provided in Appendix B of the Interim Report and is also available in the electronic version of the report, which can be found on the Internet at: http://tis.eh.doe.gov/post/. There will also be an opportunity at each workshop for non-registrants to make recommendations. Those who cannot attend these workshops may also send their comments on the report to the Power Outage Study Team through January 31, 2000 via the Internet address listed previously or by mail to: Paul Carrier, PO–21, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: For copies of the report you may contact the Department of Energy's Public Reading Room, 1000 Independence Ave. S.W., Washington, DC 20585, on (202) 586–3142. The report is also available electronically on the Internet at http://tis.eh.doe.gov/post/. For information on the workshops you may contact Regina Griego at (202) 586–6535.

SUPPLEMENTARY INFORMATION: During the summer of 1999, several heat waves in June and July led to record peak demand for power and capacity shortages. The heavy demand for power put enormous strains on many electric utilities and resulted in a series of power outages in Chicago, Texas, Louisiana, Arkansas, Mississippi, the Delmarva Peninsula, New Jersey, New York City, and Long Island, leaving millions of people without power for some period of time.

Issued: December 20, 1999.

Mark J. Mazur,

Director, Office of Policy.

[FR Doc. 00–5 Filed 1–3–00; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

December 28, 1999.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0848.

Expiration Date: 06/30/2000.

Title: Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 1400 respondents; 10.7 hours per response (avg.); 15,000 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosures.

Description: In CC Docket 98–147, the Commission seeks to implement Congress's goal of promoting innovation and investment by all participating in the telecommunications marketplace, in order to stimulate competition for all services, including advanced services as mandated by the Telecommunications Act of 1996. The following are the information collections:

(a) *Showing Regarding Loop Condition.*—Incumbent LECs who refuse a competitive carrier's request to condition a loop must make an

affirmative showing to the relevant state commission that conditioning the specific loop in question will significantly degrade voiceband services. See 47 CFR 51.319(h)(5). (No. of respondents: 1400; hours per response: 2 hours; total annual burden: 2800 hours).

(b) *Request for Alternative Physical Access.*—Incumbent LECs must provide requesting carriers with access to the loop facility for testing, maintenance, and repair. An incumbent seeking to utilize an alternative physical access methodology may request approval to do so from the relevant state commission, but must show that the proposed alternative method is reasonable, nondiscriminatory, and will not disadvantage a requesting carrier's ability to perform loop or service testing, maintenance or repair. See 47 CFR 51.319(h)(7). (No. of respondents: 1400; hours per response: .50; total annual burden: 700 hours).

(c) *Showing of Significant Degradation.*—An incumbent LEC may not deny a carrier's request to deploy a technology that is presumed acceptable for deployment unless the incumbent LEC demonstrates to the relevant state commission that deployment of the particular technology will significantly degrade the performance of other advanced services or traditional voiceband services. See 47 CFR 51.230(b) and (c). (No. of respondents: 1400; hours per response: 1.5 hours; total annual burden: 2100 hours).

(d) Information on Type of Technology.—A requesting carrier that seeks access to a loop or a high frequency portion of a loop to provide advanced services must provide to the incumbent LEC information on the type of technology that the requesting carrier seeks to deploy. See 47 CFR 51.231(b)-(c). (No. of respondents: 1400; hours per response: 1.5 hours; total annual burden: 2100 hours).

(e) *Petition.*—Any party seeking designation of a technology as a known disturber should file a petition for declaratory ruling. See 47 CFR 51.232(b). (No. of respondents: 100; hours per response: 1 hour; total annual burden: 100 hours).

(f) *Showing of Network Harm.*—Where the degradation remains unresolved by the deploying carrier(s), after a reasonable opportunity to correct the problem, the carrier whose services are being degraded must establish before the relevant state commission that a particular technology deployment is causing the significant degradation. See 47 CFR Section 51.233(b)–(c). (No. of respondents: 100; hours per response: 2 hours; total annual burden: 200 hours).

(g) *List of Equipment, Affidavit.*—Whenever an incumbent LEC objects to collocation of equipment by a requesting telecommunications carrier for the purposes within the scope of section 251(c)(6) of the Act, the incumbent LEC shall prove to the state commission that the equipment will not be actually used by the telecommunications carrier for the purpose of obtaining interconnection or access to unbundled network elements. An incumbent LEC that denies collocation of a competitor's equipment, citing safety standards, must provide to the competitive LEC within five business days a list of all equipment that the incumbent LEC locates within the premises in question, together with an affidavit attesting that all of that equipment meets or exceeds the safety standard that the incumbent LEC contends the competitor's equipment fails to meet. See 47 CFR 51.323(b). (No. of respondents: 1400; hours per response: 1 hour; total annual burden: 1400 hours).

(h) *Space Limitation Documentation.*—An incumbent LEC shall submit to the state commission, subject to any protective order as the state commission may deem necessary, detailed floor plans or diagrams of any premises where the incumbent LEC claims that physical collocation is not practical because of space limitations. An incumbent LEC that contends space for physical collocation is not available in an incumbent LEC premises must also allow the requesting carrier to tour the entire premises in question, not just the room in which space was denied, without charge, within ten days of the receipt of the incumbent LEC's denial of space. See 47 CFR Section 51.321(f).

(i) *Report of Available Collocation Space.*—Upon request, an incumbent LEC must submit to the requesting carrier within ten days of the submission of the request a report indicating the incumbent LEC's available collocation space in a particular LEC premises. This report must specify the amount of collocation space available at each requested premises, the number of collocators, and any modifications in the use of the space since the last report. The incumbent LEC must maintain a publicly available document, posted for viewing on the Internet, indicating all premises that are full, and must update such a document within ten days of the date at which a premises runs out of physical collocation space. See 47 CFR Section 51.321(h). (No. of respondents: 1400; hours per response: 1 hour; total annual burden: 1400 hours).

(j) *Information on Security Training.*—An incumbent LEC must provide information to competitive LECs on the specific type of security training a competitive LEC's employees must complete in order for the incumbent LEC to maintain reasonable security measures for its equipment and networks. See 47 CFR Section 51.323(i)(3). (No. of respondents: 1400; hours per response: .50 hours; total annual burden: 700 hours).

(k) *Access to Spectrum Management Procedures and Policies.*—An incumbent LEC must provide competitive LECs with nondiscriminatory access to the incumbent LEC's spectrum management procedures and policies. See 1st Report and Order, para. 72 and 47 CFR Section 51.231(a). (No. of respondents: 1400; hours per response: .50 hours; total annual burden: 700 hours).

(l) *Rejection and Loop Information.*—An incumbent LEC must disclose to requesting carriers information with respect to the rejection of the requesting carrier's provision of advanced services, together with the specific reason for the rejection. An incumbent LEC must also disclose to requesting carriers information with respect to the number of loops using advanced services technology within the binder and type of technology deployed on those loops. See 1st Report and Order, para. 73 and 47 CFR Section 51.23(a). (No. of respondents: 1400; hours per response: 1 hour; total annual burden: 1400 hours).

(m) *Notification of Performance Degradation.*—If a carrier claims a service is significantly degrading the performance of other advanced services or traditional voice band services, then that carrier must notify the causing carrier and allow that carrier a reasonable opportunity to correct the problem. Any claims of network harm must be supported with specific and verifiable supporting information. See 1st Report and Order, para. 75 and 47 CFR 51.233. (No. of respondents: 1400; hours per response: .50 hours; total annual burden: 700 hours). All of the collections will be used by the Commission and by competitive carriers to facilitate the deployment of advanced data services and to implement section 706 of the Communications Act of 1934, as amended. Obligation to respond: Mandatory.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to

Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–83 Filed 1–3–00; 8:45 am]

BILLING CODE 8712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 99–2824]

Auction Filing Window for New Television Station Channel 52 at Blanco, Texas

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces an auction filing window for a new analog television station on Channel 52 at Blanco, TX.

DATES: The window filing opportunity begins January 24, 2000, and closes January 28, 2000.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released December 17, 1999. It does not include attachments. The complete text of the Public Notice, including attachments, is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov.

The Mass Media Bureau and the Wireless Telecommunications Bureau announce an auction filing window for a new analog television station on Channel 52 at Blanco, Texas. The filing window will open on January 24, 2000 and close on January 28, 2000.

Selection among mutually exclusive applicants for the new Blanco television station will be via the Commission's broadcast competitive bidding rules. *See* 47 CFR 73.5000 *et seq.* Those wishing to participate in the auction must file electronically a short form application (FCC Form 175) by 5:30 p.m. Eastern Standard Time, January 28, 2000. Pursuant to the Commission's broadcast competitive bidding rules, only the winning bidder will be required to submit a long form (FCC Form 301) following the close of the auction. *See* 47 CFR 73.5005.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–82 Filed 1–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 27, 2000.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102–2034:

1. National Commerce Bancorporation Memphis, Tennessee; to acquire 100 percent of the voting shares of First National Bank, Lenoir City, Tennessee.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480–2171:

1. Lewisville Bancorp, Inc., Lewisville, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Van Deusen Bancorp, Inc., Lewisville, Minnesota, and thereby indirectly acquiring 100 percent of the voting shares of Madison Lake Bancorporation, Inc., Madison Lake, Minnesota, and its subsidiary, Peoples State Bank of Madison Lake, Madison Lake, Minnesota.

Board of Governors of the Federal Reserve System, December 28, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–24 Filed 01–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 17, 2000.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1413:

1. Iowa State Financial Services Corporation, Fairfield, Iowa; to acquire Sisler Insurance Agency, Inc., Coggon, Iowa, (an ongoing concern), through the acquisition of North Linn Corporation, Coggon, Iowa; and thereby engage in the exempted nonbanking activity of sales of insurance in small towns as allowed by § 225.28(b)(11)(iii) of Regulation Y.

Board of Governors of the Federal Reserve System, December 28, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–23 Filed 01–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, January 10, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: December 30, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–34072 Filed 12–30–99; 1:11 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

Title: FY 2000 Discretionary Announcement of the Availability of Funds and Request for Applications for Child Care Research.

OMB No.: New Request.

Description: The fiscal year 1999 Omnibus Consolidated and Emergency Supplemental Appropriation Act (Pub L. 105–277) provides $10 million in FY 2000 funds for child care research, demonstration, and evaluation activities to be used directly or through grants or contracts. In this notice, ACF announces the availability of these funds and requests child care research applications. Universities and colleges, public agencies, non-profit organizations, and for-profit organizations agreeing to waive their fees are invited to submit applications for Field Initiated Child Care Research Projects, Child Care Policy Research Partnerships, and implementation of the Child Care Research Fellowship Program. Accredited universities and colleges may submit a Child Care Research Scholar application on behalf of a doctoral candidate who has a dissertation proposal approved by their doctoral committee.

Respondents: Universities and colleges, public agencies, non-profit organizations, and for-profit organizations.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
Field Initiated	50	1	15	750
Title Partnerships	25	1	20	500
Fellows Program	15	1	10	150
Scholars	25	1	5	125

Estimated Total Annual Burdens Hours: 1,525 hours.

Additional Information: ACF is requesting that OMB grant a 180 day approval for this information collection under procedures for emergency processing by January 11, 2000. A copy of this information collection, with applicable supporting documentation, may be obtained by calling the Administration for Children and Families, Reports Clearance Officer, Robert Sargis at (202) 690–7275. In addition, a request may be made by sending an e-mail request to: rsargis@acf.dhhs.gov.

Comments and questions about the information collection described above should be directed to the following address by January 11, 2000: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ACF, Office of Management and Budget, Paper Reduction Project, 725 17th Street NW, Washington, DC 20503.

Dated: December 28, 1999.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–22 Filed 1–3–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Regional Workshops on Centers for Research To Reduce Oral Health Disparities

Notice is hereby given that the National Institute on Dental and Craniofacial Research (NIDCR) is sponsoring a series of regional workshops for potential applicants interested in the Request for Applications entitled ''Centers for Research to Reduce Oral Health Disparities.'' Also collaborating on this initiative are the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the NIH Office of Behavioral and Social Sciences Research, the NIH Office of Research on Women's Health, the NIH Office of Research on Minority Health, the National Institute of Child Health and Human Development, and the National Institute of Nursing Research. The Regional Workshops on Centers for Research to Reduce Oral Health Disparities will be held:

January 31—February 1, 2000

Wyndham Garden Hotel, 125 10th Street, Atlanta, GA 30309

February 3–February 4, 2000

The Boston Park Plaza Hotel, 64

Arlington Street, Boston, MA 02116–3912
February 14–February 15, 2000
Chicago Marriott O'Hare, 8535 West Higgins Road, Chicago, IL 60631
February 16–February 17, 2000
Harvey Hotel Dallas-Fort Worth Airport, 4545 John Carpenter Parkway, Irving, TX 76039
February 24–25, 2000
Park Plaza International San Francisco, 11177 Airport Boulevard, Burlingame, CA 94010
February 28–February 29, 2000
Hilton Philadelphia Airport, 4509 Island Avenue, Philadelphia, PA 19153
April 5, 2000
AADS and IADR Meetings, Washington Convention Center, Washington, DC

No registration fee is required. The time for each workshop will be: (a) Day 1—7 p.m.–9 p.m., (b) Day 2—8:30 a.m.–3 p.m.

The objective of the Centers for Research to Reduce Oral Health Disparities (CRROHD) initiative is to reduce health disparities in children and their caregivers through basic, patient-oriented/clinical, translational and community research, through training and career development, and through community outreach/service.

The purposes of the workshops are to:

• Bring together potential applicants from the various and diverse communities including colleges/schools/departments of academic health institutions representing the entire spectrum of the health professions (*e.g.,* dentistry, medicine, nursing, pharmacy, veterinary sciences, behavioral and social sciences), state and local health and health financing agencies (*e.g.,* state Medicaid agencies and children's health insurance programs), community and migrant health centers, Indian health service clinics, CDC-sponsored Prevention Research Centers, minority and minority-serving institutions (*e.g.,* Historically Black Colleges and Universities; Hispanic-serving institutions, tribal colleges and universities), and other groups interested in this initiative; and

• Address questions relating to the development of applications in response to the Request for Applications (RFA DE–99–003) available through the NIDCR Health Disparities Home Page (*http://www.nidcr.nih.gov/opportunities/health__*disp.htm) or directly from the electronic version of the NIH Guide to Grants and Contracts (http://grants.nih.gov/grants/guide/rfa-files/RFA–DE–99–003.html).

Representatives from various government agencies involved in this RFA will be available to answer questions and provide additional guidance.

Participants are responsible for making arrangements for their own travel and overnight accommodations. Blocks of sleeping rooms have been set-aside at each workshop site at a special rate for federal and nonfederal participants. For additional information please contact Ms. Lorrayne Jackson on (301) 594–2616; email: (*Lorrayne.Jackson@nih.gov*) or Dr. Norman S. Braveman (301) 594–2089; email: (*Norman.Braveman@nih.gov*) or visit the NIDCR Health Disparities Activities web site: (*http://www.nidcr.nih.gov/opportunities/health__*disp.htm).

Dated: December 21, 1999.

Yvonne H. du Buy,

Associate Director for Management, NIDCR.

[FR Doc. 00–61 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. (and in selected foreign markets) in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development.

ADDRESSES: Licensing information may be obtained by contacting Marlene Shinn at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; telephone: 301/496–7056 ext. 285; fax: 301/402–0220; e-mail: ms482m@nih.gov.

SUPPLEMENTARY INFORMATION: The NIH announces the issuance of U.S. Patent 5,958,778, entitled ''Container for Drying Biological Samples, Method of Making Such Container, and Method of Using Same,'' developed by Dr. Geoffrey L. Kidd of the National Eye Institute.

Problem Addressed by This Invention

Many compounds, such as drugs, growth factors, etc., must be kept sterile and must be aliquotted for storage. Usually, these aliquots are best stored lyophilized. Yet, researchers have never had a way to keep aliquots sterile through the lyophilization process. Consequently, each aliquot has had to be filter-sterilized when reconstituted for use. This process has the disadvantages of consuming excessive filters, syringes, sterile, receptacles, and time and results in serious loss of precious sample due to absorption by the filters (especially with small aliquots less than 1 ml). Alternatively, researchers have had to forgo lyophilization and store their solutions in the less-stable frozen form.

Solution Offered by This Invention

Sterile-lyophilization tubes having a 0.22 micron filter built into the cap. This unique feature allows a sterile solution to remain sterile throughout lyophilization, even after the vacuum is released and air reenters the tube. Thus, a starting solution is simply filter-sterilized while in a relatively large volume, using a single filter and therefore suffering minimal loss and consuming little time. It is then aliquotted into sterile-lyophilization tubes and lyophilized. The tubes can then be transferred directly to the freezer, if desired. The compound is reconstituted when needed, and may then be used immediately without further filtration.

Potential Applications of This Invention

All researchers worldwide who utilize sterile, labile compounds will have an interest in this product, including governmental, university, institutional, and drug company laboratories. Most notably in need are investigators involved in drug-testing, which is normally done either in cell cultures, laboratory animals, or humans, and which requires sterility of many aliquots of many drugs. Additionally, this product will have a large market relating to basic research utilizing microbial, plant, or animal cell or organ cultures, to which sterile compounds such as growth factors are commonly added. Research in drugs, growth factors, etc., is expanding ever more rapidly, and generally requires a cell culture system in which to study such compounds. Most of these compounds are quite expensive. Loss of potency during storage and loss of material during filtration are widespread problems which may be overcome with this invention. Therefore, there exists a tremendous need, and immense market for, this sterile-lyophilization vessel.

Stage of Development

Development is complete and invention has been successfully tested. Prototypes are available.

Dated: December 29, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 00–62 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; National Cancer Institute Sponsors an Open Forum on the 5 a Day for Better Health Program

The National Cancer Institute (NCI) will sponsor an open forum to hear public comment during an assessment of the Institute's 5 a Day for Better Health Program. Members of the assessment team will examine a number of areas, including the program's success in achieving its goal and objectives, its scientific base, and its achievements in nutrition-related research, communications, and coalition-building.

The purpose of the open forum is to enable individuals representing health, research, and professional organizations, as well as private citizens, to provide oral comment on the 5 a Day program. The forum will be held on January 13, 2000 from 1 to 2:30 p.m. at the Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202. NCI staff and members of the team will attend.

To enable NCI representatives to hear the widest range of views, oral comments will be limited to five minutes in length. In addition, the NCI may need to set a limit of one speaker per organization depending on the number of speakers. In order to have a written record of all comments, the NCI will have transcription services available for those who cannot provide a typed copy of their comments on or before January 13. Prior to the oral comment period, the NCI will provide a brief overview of the evaluation plan for the Program.

Requests for time to make oral presentations at the January 13 meeting need to be made in writing by January 11, 2000 to the contact person listed below.

Attendance at the forum will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodation, should notify the Contact person listed below in advance of the meeting.

NCI encourages anyone who is unable to make an oral presentation to submit a written statement for the record. Written statement may be submitted to the contact below until January 25, 2000.

FOR FURTHER INFORMATION CONTACT: Kevin Callahan, Deputy Directors, Office of Science Policy, Planning and Assessment, National Cancer Institute, National Institutes of Health, Bldg. 31, Room 11A03, Bethesda, MD 20892, voice: 301–402–7519, fax 301–435–3876, e-mail: kc9t2@nih.gov.

Dated: December 27, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy, National Institutes of Health.

[FR Doc. 00–67 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel.

Date: January 12, 2000.

Time: 9 am to 2 pm.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd. Suite 350, Rockville, MD 20892.

Contact Person: Andrew P. Mariani, Chief, Scientific Review Branch, 6120 Executive Blvd, Suite 350, Rockville, MD 20892; 301/496–5561.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: December 27, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–64 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel.

Date: January 6, 2000.

Time: 2 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd. Suite 350, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Andrew P. Mariani, Chief, Scientific Review Branch, 6120 Executive Blvd., Suite 350, Rockville, MD 20892; 301/496–5561.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, (HHS)

Dated: December 27, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–65 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: January 14, 2000.

Time: 10:00 am to 11:00 am.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MA 20892 (Telephone Conference Call).

Contact Person: Jerry Cott, Scientific Review Administrator, National Institute of Mental Health, NIH, 6001 Executive Blvd., Room 7160, MSC 9635, Bethesda, MD 20892–9635, Bethesda, MD 20892–9635, (301) 443–1185, JERRY__COTT@NIH.GOV.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: December 27, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–63 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel: Development and Manufacture of Dosage Form for Compounds with Potential Treatment of Infectious Diseases.

Date: February 4, 2000.

Time: 8:30 am to 5:30 pm.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Gaithersburg, Goshen Room, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Vassil S. Georgiev, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC, 7610, Bethesda, MD 20892–7610; 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 27, 1999.

Anna Snouffer,

Acting Director of Federal Advisory Committee Policy.

[FR Doc. 00–68 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel: ''Computerized Neuropsychological Testing Software''.

Date: January 13, 2000.

Time: 9 am to 5 pm.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547; (301) 435–1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: December 28, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–69 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should

notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee.

Date: January 25–27, 2000.

Open: January 25, 2000, 1 pm to 2 pm.

Agenda: Discussion of administrative details relating to committee business and program review.

Closed: January 25, 2000, 2 pm to adjournment.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Monterey, Two Portoloa Plaza, Monterey, CA 93940.

Contact Person: Madelon C. Halula, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610; Bethesda, MD 20892–7610, 301 496–2550.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transportation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 28, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–70 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Governors of the Warren Grant Magnuson Clinical Center.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended for discussion of personal qualifications and performance, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Governors of the Warren Grant Magnuson Clinical Center.

Date: January 28, 2000.

Open: 9 am to 1:10 pm.

Agenda: For discussion of programmatic policies and issues.

Place: National Institutes of Health, Clinical Center Medical Board Room, 2C116, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 1:10 pm to 1:30 pm.

Agenda: To review and evaluate personnel qualifications.

Place: National Institutes of Health, Clinical Center Medical Board Room, 2C116, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Maureen E. Gormley, Executive Secretary, Warren Grant Magnuson Clinical Center, National Institute of Health, Building 10, Room 2C146, Bethesda, MD 20892, Bethesda, MD 20892.

Dated: December 27, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–66 Filed 1–3–00; 8:45 am]

BILLING CODE 4140–01–M

INTER-AMERICAN FOUNDATION

Board Meeting

Time and Date: January 14, 2000, 11:30 a.m.–3:30 p.m.

Place: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

Status: Open session.

Matters To Be Considered:

- Approval of the Minutes of the July 23, 1999, Meeting of the Board of Directors.
- Discussion of Fiscal Year 2000 Programs and Operations.
- Development of Fiscal Year 2001 Program Initiatives and Strategies.

Contact Person for More Information: Adolfo A. Franco, Secretary to the Board of Directors, (703) 306–4325.

Dated: December 29, 1999.

Adolfo A. Franco,

Sunshine Act Officer.

[FR Doc. 99–34071 Filed 12–30–99; 10:22 am]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Federal Geographic Data Committee (FGDC); Application Notice Announcing the Opening Date for Transmittal of Applications Under the FGDC National Spatial Data Infrastructure (NSDI) Partnership Funding Programs for Fiscal Year (FY) 2000

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice inviting applications for the NSDI Cooperative Agreements Program (CAP) awards for Fiscal Year 2000, with performance to begin in August 2000.

SUMMARY: The purpose of the FGDC National Spatial Data Infrastructure (NSDI) Partnership Funding Programs is to facilitate and foster partnerships, alliances and technology within and among various public and private entities to assist in building the NSDI. The NSDI consists of technologies, policies, organizations and people necessary to promote cost-effective production, ready availability, and greater utilization of high quality geospatial data among a variety of sectors, disciplines and communities.

The FY 2000 NSDI Cooperative Agreements Program funds projects in three categories of activities. The first category (''Don't Duck Metadata'') promotes metadata collection, metadata publication (via a clearinghouse access of geographic data linked to the Internet), and activities that support the transition from the FGDC Content Standard for Digital Geospatial Metadata to the ISO Metadata Standard 19115 (under development). The second category (''Framework Community Implementations'') promotes addressing of community issues and decision-making utilizing basic geographic data (NSDI Framework). The third category (''Web Mapping Testbeds'') category funds projects that test the OpenGIS Consortium's Web Mapping Testbed specifications.

Applications may be submitted by Federal agencies, State and local government agencies, educational institutions, private firms, non-profit foundations, and Federally acknowledged or state-recognized Native American tribes or groups. Applications from Federal agencies will not be competed against applications from other sources. Authority for this program is contained in the Organic Act of March 3, 1879, 43 U.S.C. 31 and Executive Order 12906.

DATES: The program announcements and application forms for the FY 2000 NSDI Cooperative Agreements Program are expected to be available on or about January 15, 2000. Applications must be received on or before March 15, 2000.

ADDRESSES: Copies of Program Announcement #00HQPA0004 for the NSDI Cooperative Agreements Program, may be obtained by writing to Ms. Amanda Goodwin, U.S. Geological Survey, Office of Acquisition and Federal Assistance, Mail Stop 205B, 12201 Sunrise Valley Drive, Reston, VA 20192; (703) 648–7372, fax (703) 648–7901. Requests must be in writing; verbal requests will not be honored. Also, copies of each Program Announcement will be available through the Internet at <www.usgs.gov/contracts/index.html> and <www.fgdc.gov>.

FOR FURTHER INFORMATION CONTACT: For the NSDI Cooperative Agreements Program contact Ms. Kathleen Craig, U.S. Geological Survey, Office of Acquisition and Federal Assistance, Mail Stop 205B, 12201 Sunrise Valley Drive, Reston, VA 20192; (703) 648–7357, fax (703) 648–7901.

SUPPLEMENTARY INFORMATION: Under the NSDI Cooperative Agreements Program individual proposals should be directed towards only one of the three categories per application. A total of $1,000,000 is available for award.

2000 CAP Categories

Category 1: ''Don't Duck Metadata''

The project objectives for this category are the documentation of geospatial data through metada creation and serving that documentation on the Internet through a NSDI clearing house. Under this category funds are provided for: (a) Organizations needing assistance in metadata creation and clearinghouse development; and (b) those organizations that can provide training assistance or state/regional consolidated assistance efforts.

Category 2: ''Framework Community Implementations''

This funding category advances the capacity of communities to create and use basic geospatial data. Framework data are defined as geodetic control, cadastral, digital orthoimagery, elevation, bathymetry, transportation, hydrography, and governmental units. Projects funded under this category will demonstrate collaborative GIS approaches and decision-support in solving community issues utilizing basic ''framework'' data using or refining existing FGDC Framework standards. Projects will establish a collaborative process that provides different kinds of organizations and disciplines the ability to integrate and share framework data. Applicants must demonstrate partnership with at least one other organization and are expected to make a 100% in-kind award match. As part of category 2 submissions, joint Canadian/U.S. partnership projects are invited.

Category 3: ''Web Mapping Testbeds''

Projects funded under this category are expected to result in the technical ability for users to discover and view map data from multiple map servers through the National Geospatial Data Clearinghouse. These projects will use the OpenGIS Consortium's pending open specifications for web mapping and the result of these pilot projects will aid in refining future versions of those standards. Projects must build on existing web mapping and Clearinghouse installations and expertise within a geographic area, and must include two or more participating organizations with a requirement to visualize each organization's data in an operational Internet environment.

Dated: December 28, 1999.

John A. Kelmelis,

Acting Chief, National Mapping Division.

[FR Doc. 00–21 Filed 1–3–00; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

United States Geological Survey

Advisory Committee on Water Information (ACWI); Notice of Availability for Public Review of Report on United States Geological Survey Federal-State Cooperative Water Program

AGENCY: United States Geological Survey, Interior.

SUMMARY: Notice is hereby given of the availability for public review of the report, ''External Task Force Review of the United States Geological Survey (USGS) Federal-State Cooperative Water Program,'' Circular 1192, August 1999. Review of this report is sought under the Terms of Reference of the ACWI Task Force to Review the Federal-State Cooperative Water Program.

The ACWI has been established under the authority of the Office of Management and Budget Memorandum 92–01 and the Federal Advisory Committee Act. The purpose of the ACWI is to provide a forum for water-information users and professionals to advise the Federal Government about activities and plans which may improve the effectiveness of meeting the Nation's water information needs. The USGS established the Federal-State Cooperative Water Program Task Force as approved by the ACWI at the meeting of August 1998. Additional information about the ACWI, including the Task Force, is available at *http://water.usgs.gov/wicp/*.

The Task Force report is now available for public review and comment. The report may be accessed at *http://water.usgs.gov/pubs/circ/circ1192/*. A printed copy of the report may be obtained by contacting the U.S. Geological Survey, 12201 Sunrise Valley Drive, 409 National Center, Reston, VA 20192; (703) 648–5216.

DATES: Comments on the report should be provided no later than February 29, 2000. Comments should be sent to Dr. Ethan T. Smith (Executive Secretary), Chief, Water Information Coordination Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, 417 National Center, Reston, VA 20192; (703) 648–5022.

SUPPLEMENTARY INFORMATION: The USGS Federal-State Cooperative Water Program is the largest single source of hydrologic data and information in the country. Hydrologic monitoring, assessments, investigations, and research conducted under the program support both national interests and cooperator needs. Costs for the program are jointly funded by the USGS and some 1,200 State, Tribal, and local government partners. The Federal-State Cooperative Water Program is a unique partnership, rather than a grants program. State, Tribal, and local cooperators transfer their share of the funding to the USGS for work on specific projects. The resulting data and information are archived and shared nationwide. More information is available in the Federal-State Cooperative Water-Resources Program Fact Sheet available at *http://water.usgs.gov/wid/html/COOP.html/*.

The Task Force conducted the first external review of the Coop Program in its 100-year history. The purpose of the Task Force was to gather information, to assess the effectiveness of the program, and to draft recommended improvements. The Task Force has completed their work and has published their findings and recommendations in a report, USGS Circular 1192. The report is titled ''External Task Force Review of the United States Geological Survey Federal-State Cooperative Water Program, August 1999.''

Dated: December 22, 1999.

Robert M. Hirsch,

Chief Hydrologist, U.S. Geological Survey.

[FR Doc. 00–100 Filed 01–03–00; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–00–1310–EJ]

Pinedale Anticline Natural Gas Exploration and Development Project Draft Environmental Impact Statement (DEIS), Sublette County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice: Comment period extension.

SUMMARY: Notices of Availability (NOA) of the Pinedale Anticline Natural Gas Exploration and Development Project Draft Environmental Impact Statement (DEIS) were published in the **Federal Register** by the Environmental Protection Agency (EPA) (64 FR 66474) and the Bureau of Land Management (BLM) (64 FR 66194–66195) on November 26, 1999, providing 60 days for the public to review and comment on the DEIS. BLM is extending that review and comment period 10 days. A letter regarding the extension of time has been sent to all parties receiving the DEIS.

DATES: Comments on the DEIS will now be due on February 4, 2000. The formal public hearing will still be held at 7 p.m. on January 12, 2000, at the Pinedale High School Auditorium, 101 E. Hennick, Pinedale, WY. The purpose of the hearing will be to afford the public the opportunity to verbalize their comments on the proposed natural gas exploration and development DEIS.

ADDRESSES: Comments on the DEIS should be sent to the Bureau of Land Management, Bill McMahan (Project Coordinator), 280 Highway 191 North, Rock Springs, WY 82901, or they can be e-mailed to bill__mcmahan@blm.gov.

SUPPLEMENTARY INFORMATION: The Wyoming BLM State Director received requests from the Jackson Hole Conservation Alliance, Wyoming Wildlife Federation, Greater Yellowstone Coalition, and the Wyoming Outdoor Council for a 30-day extension of time to review and comment on the DEIS. After carefully considering the request for extension of the 60-day public comment period provided for this DEIS, the Wyoming BLM State Director decided to extend the comment period for 10 days rather than 30 days for the following reasons: The Council on Environmental Quality regulations, Title 40, Code of Federal Regulations, Part 1506, require that agencies provide at least 45 days for the public to comment on DEISs. The 60-day comment period provided already allows the public an additional 15 days to review and comment on this DEIS.

Public comment periods under those regulations commence upon the date that EPA publishes a NOA of the draft in the **Federal Register**. EPA's NOA for this DEIS was published on November 26, 1999. BLM mailed all copies of the DEIS, and the Technical Report, to interested parties on or before November 19, 1999, to insure that they would have the document in hand for the full 60-day review and comment period.

The DEIS, along with the Technical Document, are a substantial work, but are comparable to other Wyoming BLM EIS's such as Continental Divide/Wamsutter II Natural Gas Project, the Wyodak Coalbed Methane Project, and other major statements BLM has prepared. We acknowledge that holiday activities and obligations, along with concurrent review timeframes of other environmental documents, may affect interested parties' ability to review them. However, we do not believe those are compelling reasons to extend the comment period more than 10 days.

Dated: December 28, 1999.

Alan R. Pierson,

State Director.

[FR Doc. 00–45 Filed 1–3–00; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–920–5700–00]

Change of Public Room Hours

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In order to meet our customers needs, the Nevada State Office Public Room hours will be extended. The new hours will be 7:30 a.m. to 4:30 p.m.

EFFECTIVE DATE: January 17, 2000.

ADDRESSES: 1340 Financial Blvd, Reno, NV 89502; P.O. Box 12000, Reno, NV 89520–0006.

FOR FURTHER INFORMATION CONTACT: Natalie Okimura or Josephine Leone at 775–851–6500.

Dated: December 20, 1999.

Thomas V. Leshendok,

Deputy State Director, Minerals Management.

[FR Doc. 00–34 Filed 1–3–00; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–99–052]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: January 6, 2000 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 731–TA–861–862 (Preliminary) (Expandable Polystyrene Resins from Indonesia and Korea)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on January 6, 2000.)
5. Inv. Nos. 701–TA–202 and 731–TA–103 and 514 (Review) (Cotton Shop Towels from Bangladesh, China, and Pakistan)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on January 21, 2000.)
6. Outstanding action jackets:

(1.) Document No. GC–99–110: Regarding Inv. No. 731–TA–752 (Final) (Crawfish Tail Meat from China).

(2.) Document No. GC–99–111: Regarding Inv. No. 337–TA–422 (Certain Two-Handle Centerset Faucets and Escutcheons and Components Thereof).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Dated: December 30, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–34073 Filed 12–30–99; 1:14 pm]

BILLING CODE 7020–02–U

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY:

The Commission will hold its next public meeting on Thursday, January 13, 2000 and Friday, January 14, 2000 at the Ronald Reagan Building, International Trade Center, 1300 Pennsylvania Avenue, NW, Washington, DC. The meeting is tentatively scheduled to begin at 10 a.m. on January 13, and 9 a.m. on January 14.

The Commission will discuss draft chapters for its March 2000 report. Topics for discussion also include: updating payments to physicians and ambulatory care facilities, disproportionate share hospital payments, case mix refinement and payments to teaching hospitals, post acute care, end-stage renal disease, MCBS access and satisfaction analysis, prescription drugs, analysis of Medicare+Choice benefit data and hospital payment issues.

Agendas will be mailed on Tuesday, January 4, 2000. The final agenda will be available on the Commission's website (www.MedPAC.gov)

ADDRESSES: MedPAC's address is: 1730 K Street, NW, Suite 800, Washington, DC 20006. The telephone number is (202) 653–7220.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, (202) 653–7220.

SUPPLEMENTARY INFORMATION: If you are not on the Commission mailing list and wish to receive an agenda, please call (202) 653–7220.

Murray N. Ross,

Executive Director.

[FR Doc. 00–92 Filed 1–3–00; 8:45 am]

BILLING CODE 6820–BW–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8681]

International Uranium (USA) Corporation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final Finding of No Significant Impact; Notice of Opportunity for Hearing.

SUMMARY: The International Uranium (USA) Corporation (IUC) requested that the U.S. Nuclear Regulatory Commission (NRC) amend its NRC Source Material License SUA–1358, to approve its Reclamation Plan, as amended, for the White Mesa Uranium Mill near Blanding, Utah. An Environmental Assessment (EA) was performed by the NRC staff in accordance with the requirements of 10 CFR Part 51. The conclusion of the EA is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Mr. William von Till, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T7–J8, Washington, DC 20555. Telephone (301) 415–6251.

SUPPLEMENTARY INFORMATION:

Background

Materials License SUA–1358 was originally issued by NRC on August 7, 1979, pursuant to Title 10, Code of Federal Regulations (10 CFR), Part 40, ''Domestic Licensing of Source Material.'' The IUC site is licensed by the NRC under Materials License SUA–1358 to possess byproduct material in the form of uranium waste tailings and other uranium byproduct waste generated by the licensee's milling operations, as well as other source material from multiple locations. Some of these locations include material from Formerly Utilized Sites Remedial Action Program (FUSRAP) sites managed by the U.S. Army Corps of Engineers (USACE). These materials generally have similar chemical, physical, and radiological composition to conventional mill tailings. The mill is currently operating. The license amendment would approve IUC's reclamation plan (RP). The proposed action is needed to minimize exposure of contaminated materials, once the mill operations have ceased, by reclaiming contaminated areas and stabilizing wastes. The goal of the reclamation plan is to permanently isolate and stabilize the tailings and associated contamination by minimizing disturbances by natural forces, and to do so without ongoing maintenance. The design objective is to be effective for up to one thousand years, to the extent reasonable, and, in any case for at least 200 years; to provide reasonable assurance that releases of radon-222 from the residual radioactive material will be minimized, and to provide reasonable assurances to protect groundwater resources.

The facilities to be reclaimed include the following:

(1) Cell 1 (evaporative), Cells 2 and 3 (tailings), and Cell 4A (not currently used).

(2) Mill buildings and equipment.

(3) On-site contaminated areas.

(4) Off-site contaminated areas (*i.e.*, potential areas affected by windblown tailings).

The reclamation of the above facilities will include the following:

(1) Placement of materials and debris from the mill decommissioning in tailings Cells 2 and 3.

(2) Placement of contaminated soils, crystals, and synthetic liner material from Cell 1 in tailings Cells 2 and 3.

(3) Placement of contaminated soils, crystals, and synthetic liner material from Cell 4A in tailings Cells 2 and 3.

(4) Placement of an engineered multi-layer cover on Cells 2 and 3.

(5) Construction of runoff control and diversion channels as necessary.

(6) Reconditioning of mill and ancillary areas.

(7) Reclamation of borrow sources.

The plan further describes the designs, activities, schedule, and estimated costs for reclaiming IUC's White Mesa Uranium Mill Site and Tailing Impoundment, for bonding and surety coverage requirements. The actual final reclamation design and cost analyses will depend on the quantity and depth of the tailings actually placed in the impoundment area and the surface area that they occupy. All conditions and commitments in the reclamation plan are subject to NRC inspection. Violation of the plan may result in enforcement action.

IUC submitted the RP in a letter dated February 28, 1997, and amended by letters of December 16, 1997, September 11, 1998, October 23, 1998, May 26, 1999, and June 22, 1999.

Summary of the Environmental Assessment

The NRC staff performed an appraisal of the environmental impacts associated with the RP for the White Mesa mill, in accordance with 10 CFR Part 51, Licensing and Regulatory Policy Procedure for Environmental Protection. In conducting its appraisal, the NRC staff considered the following: (1) Information contained in the previous environmental evaluations of the White Mesa project; (2) information contained in IUC's reclamation plan; (3) information contained in IUC's license amendment request submitted subsequent to its reclamation plan, and NRC staff approvals of such requests; (4) land use and environmental monitoring reports; and (5) information derived from NRC staff site visits and inspections of the White Mesa mill site and from communications with IUC, the State of Utah Department of Environmental Quality, the U.S. Bureau of Land Management, the U.S. Fish and Wildlife Service, the State of Utah

Historic Preservation Officer, and the White Mesa Ute Tribal Historic Preservation Officer. The results of the staff's appraisal are documented in an Environmental Assessment placed in the docket file. Based on its review, the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action.

Conclusions

The NRC staff has examined the actual and potential environmental impacts associated with the reclamation plan and has determined that the action is: (1) Consistent with requirements of 10 CFR Part 40; (2) will not be inimical to the public health and safety; and (3) will not have long-term detrimental impacts on the environment. The following statements support the FONSI and summarize the conclusions resulting from the staff's environmental assessment:

1. An acceptable environmental and effluent monitoring program is in place to monitor effluent releases and to detect if applicable regulatory limits are exceeded. Radiological effluents from site operations have been and are expected to continue to remain below the regulatory limits.

2. Present and potential risks from the reclamation were assessed. Given the remote location, the small area of impact, and the past activities on the site, the staff has determined that the risk factors for health and environmental hazards are insignificant.

Alternatives to the Proposed Action

The proposed action that the NRC is considering is approval of IUC's Reclamation Plan and the amendment to a source material license issued pursuant to 10 CFR Part 40. The principal alternatives available to the NRC are:

1. Approve the license amendment request as submitted; or

2. Amend the license with such additional conditions as are considered necessary or appropriate to protect public health and safety and the environment; or

3. Deny the request.

The NRC staff has concluded that there are no significant environmental impacts associated with the proposed action. Therefore, alternatives with equal or greater impacts need not be evaluated. The staff considers that Alternative 1 is the appropriate alternative for selection. A technical evaluation report will be completed with respect to the criteria for reclamation, specified in 10 CFR Part 40, Appendix A.

Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment for the proposed reclamation plan for NRC Source Material License SUA–1358. On the basis of this assessment, the NRC staff has concluded that the environmental impact that may result for the proposed action would not be significant, and, therefore, preparation of an Environmental Impact Statement is not warranted.

The Environmental Assessment and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Notice of Opportunity for Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings,'' of the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2 (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for a hearing must be filed within thirty (30) days from the date of publication of the **Federal Register** notice. The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Rulemaking and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemaking and Adjudications Staff.

Each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The applicant, International Uranium (USA) Corporation, Independence Plaza, Suite 950, 1050 Seventeenth Street, Denver, Colorado 80265;

(2) The NRC staff, by delivery to the Executive Director of Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceedings, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's area of concern about the licensing activity that is the subject matter of the proceedings; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Any hearing that is requested and granted will be held in accordance with the Commission's ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceeding'' in 10 CFR Part 2, Subpart L.

Dated at Rockville, Maryland, this 23rd day of December 1999.

For the Nuclear Regulatory Commission.

Thomas H. Essig,

Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–77 Filed 1–3–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Workshop To Develop a Standard Review Plan for Decommissioning; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice announcing public workshop; Correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on December 28, 1999 (64 FR 72702), that announces a public workshop to solicit input from stakeholders during the development of a Standard Review Plan and other guidance for decommissioning nuclear facilities. This action is necessary to correct an erroneous date and location of the workshop.

FOR FURTHER INFORMATION CONTACT: Dominick A. Orlando, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, at (301) 415–6749.

SUPPLEMENTARY INFORMATION: On page 72702, in the Supplementary Information, fourth sentence, the date for the workshop is changed from

''February 18 and 19, 2000,'' to read ''February 17 and 18, 2000.''

On page 72702, in the Supplementary Information, fifth sentence, the place for the workshop is corrected to read ''NRC Headquarters in the Two White Flint North Auditorium, at 11545 Rockville Pike, Rockville, MD.

Dated at Rockville, Maryland, this 28th day of December, 1999.

For the Nuclear Regulatory Commission.

Robert A. Nelson,

Acting Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–78 Filed 1–3–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Request for Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17a–6, SEC File No. 270–433, OMB Control No. 3235–0489

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17a–6 (17 CFR 240.17a–6) permits national securities exchanges, national securities associations, registered clearing agencies, and the Municipal Securities Rulemaking Board (collectively, ''SROs'') to destroy or convert to microfilm or other recording media records maintained under Rule 17a–1 (17 CFR 240.17a–1), if they have filed with the Commission a plan to destroy or dispose of records and the Commission has declared such plan effective.

There are currently 23 SROs required under Rule 17a–1 to maintain certain records and that could receive relief under Rule 17a–6: 8 national securities exchanges, 1 national securities association, 13 registered clearing agencies, and the Municipal Securities Rulemaking Board. Assuming that one of these respondents might file a plan to destroy or dispose of records, or an amendment thereto, in a given year, such filing would require approximately 40 hours per respondent to complete. Thus, the total compliance burden is 40 hours. At an approximate cost per hour of $100, the resulting total related cost of compliance for these respondents is $4,000 per year (40 hours × $100/hour=$4,000).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

Dated: December 28, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–72 Filed 1–3–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Request for Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 15g,–4, SEC File No. 270–347, OMB Control No. 3235–0393

Rule 15g–5, SEC File No. 270–348, OMB Control No. 3235–0394

Rule 17a–8, SEC File No. 270–53, OMB Control No. 3235–0092

Rule 17Ac2–1 and Form TA–1, SEC File No. 270–95, OMB Control No. 3235–0084

Rule 19d–2, SEC File No. 270–204, OMB Control No. 3235–0205

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is publishing the following summary of collections for public comment. The Commission plans to submit these existing collections of information of the Office of Management and Budget for extension and approval.

Rule 15g–4 requires brokers and dealers effecting transactions in penny stocks for or with customers to disclose the amount of compensation received by the broker-dealer in connection with the transaction. It is estimated that approximately 270 respondents incur an average of 100 hours annually to comply with the rule.

Rule 15g–5 requires brokers and dealers to disclose to customers the amount of compensation to be received by their sales agents in connection with penny stock transactions. It is estimated that approximately 270 respondents incur an average burden of 100 hours annually to comply with the rule.

Rule 17a–8 requires brokers and dealers to make and keep certain reports and records concerning their currency and monetary instrument transactions. The requirements allow the Commission to ensure that brokers and dealers are in compliance with the Currency and Foreign Transactions Reporting Act of 1970 (''Bank Secrecy Act'') and with the Department of the Treasury regulations under that Act. The reports and records required under this rule initially are required under Department of the Treasury regulations. Additional burden hours and costs are not imposed by this rule.

Rule 17Ac2–1 is used by transfer agents to register with the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation, and to amend their registration. It is estimated that on an annual basis, the Commission will receive approximately 250 applications for registration on Form TA–1 from transfer agents required to register as such with the Commission. Included in this figure are amendments made to Form TA–1 as required by Rule 17Ac2–1(c). Based upon past submissions, the staff estimates that the average number of hours necessary to comply with the requirements of Rule 17Ac2–1 is one and one-half hours, with a total burden of 375 hours.

Rule 19d–2 prescribes the form and content of applications to the Commission by persons desiring stays of final disciplinary sanctions and summary action of self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency. It is estimated that approximately 30 respondents will utilize this application procedure annually, with a total burden of 90 hours, based upon past submissions. The staff estimates that the average number of hours necessary to comply

with the requirements of Rule 19d–2 is 3 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W., Washington, DC 20549.

Dated: December 21, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–73 Filed 1–3–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42274; File No. SR–ISCC–99–01]

Self-Regulatory Organizations; International Securities Clearing Corporation; Order Granting Accelerated Approval of a Proposed Rule Change Relating to International Security Clearing Corporation's Withdrawal From the Clearance and Settlement Business

December 27, 1999.

On September 23, 1999, the International Securities Clearing Corporation (''ISCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–ISCC–99–01) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] to transfer its clearance and settlement services to the National Securities Clearing Corporation (''NSCC'') and to withdraw its registration as a clearing agency. Notice of the proposal was published in the **Federal Register** on December 1, 1999.[2] No comment letters were received. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Description

On May 12, 1989, the Commission granted, pursuant to Sections 17A and 19(a) of the Act [3] and Rule 17Ab2–1,[4] the application of ISCC for registration as a clearing agency on a temporary basis for a period of eighteen months.[5] Since that time, the Commission has extended ISCC's temporary registration through February 29, 2000.[6]

Under the rule change, ISCC, a wholly owned subsidiary of NSCC, will transfer its clearance and settlement services to NSCC because it is no longer cost-effective to provide such services through a separate company.[7] ISCC is also requesting that it be allowed to withdraw from registration as a clearing agency. The transfer of services to NSCC will be transparent to ISCC users. They will not be required to perform any system modifications, and they will be charged the same fees for the services at NSCC as they are currently paying ISCC.

II. Discussion

Section 17A(b)(3)(F) [8] of the Act requires that the rules of a clearing agency be designed to assure the prompt and accurate clearance and settlement of securities transactions. ISCC was created to provide safe and efficient clearance and settlement of securities transactions between United States broker-dealers and foreign financial institutions. ISCC serves this function through its core services, the Global Clearance Network (''GCN'') and the International Link Services (''ILS'').[9]

Under the proposed rule change, ISCC will cease offering clearance and settlement services, NSCC will offer similar services under the same terms and conditions as ISCC, and ISCC will be allowed to withdraw from registration as a clearing agency. According to ISCC, it is no longer cost-effective to provide such services through a separate company. Because NSCC will continue ISCC's role as a provider of services for international securities transactions, the Commission believes that ISCC's rule change is consistent with NSCC's obligations under the Act.

ISCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for so approving the proposed rule change because accelerated approval will permit ISCC to cease providing clearance and settlement services before the end of the year.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–ISCC–99–01) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–40 Filed 1–3–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42273; File No. SR–NSCC–99–12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Global Clearance Network and the International Link Service

December 27, 1999.

On September 23, 1999, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–NSCC–99–12) pursuant to Section 19(b)(1) of the Securities Exchange Act

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 42175 (November 23, 1999), 64 FR 67362.

[3] 15 U.S.C. 78q–1 and 78s(a),

[4] 17 CFR 240.17Ab2–1(c).

[5] Securities Exchange Act Release No. 26812 (May 12, 1989), 54 FR 21691.

[6] Securities Exchange Act Release Nos. 28606 (November 16, 1990), 55 FR 47976; 30005 (November 27, 1991), 56 FR 63747; 33233 (November 22, 1993), 58 FR 63195; 36529 (November 29, 1995), 60 FR 62511; 37986 (November 25, 1996), 61 FR 64184; 38703 (May 30, 1997), 62 FR 31183; 39700 (February 26, 1998), 63 FR 10669; and 41103 (February 24, 1999), 64 FR 10521.

[7] In connection with this rule filing, NSCC has submitted a proposed rule change to amend its rules to allow it to provide clearance and settlement services previously offered by ISCC. (File No. SR–NSCC–99–12).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] Securities Exchange Act Release Nos. 29841 (October 18, 1991), 56 FR 55960 (order approving GCN) and 32564 (June 30, 1993), 58 FR 36722 (order approving a data transmission link with Euroclear Systems).

[10] 17 CFR 200.30–3(a)(12).

of 1934 (''Act'')[1] to allow NSCC to offer the Global Clearance Network (''GCN'') and the International Link Service (''ILS''), services which were previously offered by the International Securities Clearing Corporation (''ISCC''). Notice of the proposal was published in the **Federal Register** on December 1, 1999.[2] No comment letters were received. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Description

The rule change establishes new Rules 61 and 62 and Addendum U to NSCC's Rules. These new rules permit NSCC to offer the GCN and the ILS previously offered by ISCC.[3] ISCC, a wholly owned subsidiary of NSCC, is proposing to stop providing clearance and settlement services, to transfer its clearance and settlement services to NSCC, and to withdraw its registration as a clearing agency. The new rules are substantially similar to the applicable ISCC rules and procedures. NSCC Rule 62, which authorizes NSCC to provide the GCN service, is based on previous ISCC Rule 50; NSCC Rule 61, which authorizes NSCC to provide the ILS service, is based on previous ISCC Rule 40; and NSCC Addendum U, the GCN service data processing procedures, is based on ISCC Addendum E.

The transfer of service will be transparent to current ISCC members because GCN and ILS as offered by NSCC will be substantially similar to the services previously offered by ISCC and will be offered under the same terms and conditions. Further, no new programming or system format changes will be required to utilize GCN and ILS as offered by NSCC. Accordingly, all current ISCC participants using GCN and ILS will be able to continue to utilize such services when they are offered by NSCC.[4]

The GCN service[5] facilitates and centralizes the processing of international transactions by providing a standardized platform to communicate clearance, settlement, and custody information. GCN will allow users, NSCC members, utilizing standardized input and output formats, to transmit data to NSCC several times throughout the day. Upon receipt, NSCC will validate the data and, if accepted, will translate the data into the format of specified agent banks and will transmit the data to agent banks where processing will occur under the agent banks' normal terms, conditions, and operating framework.

The ILS facilitates the establishment of links with foreign financial institutions (''FFIs''). ISCC previously sponsored accounts at the Depository Trust Company (''DTC'') for the purpose of providing FFIs with custody services for their U.S. securities.[6] Deliveries and receives of securities on deposit at DTC, based on instructions from the FFI, will occur through DTC free of payment.

ISCC also provides facilities management services the Emerging Markets Clearing Corporation. In connection with ISCC's deregistration as a clearing agency, these services will be provided by NSCC.

II. Discussion

Section 17A(b)(3)(F)[7] of the Act requires that the rules of a clearing agency be designed to assure the prompt and accurate clearance and settlement of securities transactions. One of the primary reasons for ISCC's registration as a clearing agency was to enable it to provide for the safe and efficient clearance and settlement of international securities. Under the rule change NSCC will offer substantially similar services under the same terms and conditions as ISCC. Because NSCC will continue ISCC's role as a provider of clearance and settlement services for international securities transactions, the Commission believes that NSCC's rule change is consistent with NSCC's obligations under the Act.

NSCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for so approving the proposed rule change because accelerated approval will permit NSCC to provide GCN and ILS services before the end of the year.

II. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–99–12) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–39 Filed 1–3–00; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 42176 (November 23, 1999), 64 FR 67364.

[3] According to NSCC, it is no longer cost-effective to provide international clearance and settlement services through a separate company. Concurrently with this rule filing, ISCC has submitted a proposed rule change to withdraw from the clearance and settlement business (File No. SR–ISCC–99–01).

[4] Currently there are thirty users of GCN and three users of ILS.

[5] The GCN service was originally approved by the Commission in 1991. Securities Exchange Act Release No. 29841 (October 18, 1991), 56 FR 55960. ISCC subsequently modified its processing procedures for GCN through the addition of Addendum E to ISCC's Rules and Procedures. Securities Exchange Act Release No. 35392 (February 16, 1995), 60 FR 10415.

[6] ISCC provided ILS since its inception in 1989 as a clearing corporation.

[7] 15 U.S.C. § 78q–1(b)(3)(F).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42270; File No. SR–NYSE–99–41]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Paragraph 902.02 of the Exchange's Listed Company Manual

December 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 20, 1999, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend Paragraph 902.02 of the Exchange's Listed Company Manual (''Manual''). Paragraph 902.2 contains the schedule of current listing fees for companies listing securities on the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The NYSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change amends the listed company fee schedule, set forth in Paragraph 902.02 of the Manual, as it applies to original listing fees. Specifically, the Exchange seeks: (1) To delete the current fee cap benchmark of 125 million shares; and (2) to implement a $500,000 fee cap in its place levied on shares in conjunction with an original listing. This fee cap includes the $36,800 special charge and encompasses all classes of securities. The Exchange represents that the proposed rule change will result in a reduction of the maximum initial listing fee for companies seeking to list on the NYSE.[3]

2. Statutory Basis

The NYSE represents that the basis for the proposed rule change is Section 6(b)(4)[4] of the Act which requires that an Exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–99–41 and should be submitted by January 25, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act.[5] In particular, the Commission finds the proposal is consistent with Section 6(b)(4)[6] of the Act, which requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. Specifically, the Commission believes that the proposal may ease the financial burden for companies seeking to list on the Exchange, thus facilitating capital formation and furthering competition among the Exchange and other market centers.

The Commission finds good cause for approving the proposal prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Accelerated approval will permit companies seeking to list on the NYSE to take advantage of the Exchange's reduction in initial listing fees. Accordingly, the Commission believes that good cause exists, consistent with Section 6(b)(5) and Section 19(b)(2) of the Act,[7] to grant accelerated approval of the proposed rule change.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–NYSE–99–41) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–41 Filed 1–3–00; 8:45 am]

BILLING CODE 8010–01–M

[3] Conversation between Catherine R. Kinney, Group Executive Vice President, NYSE, and Joseph P. Corcoran, Attorney, Commission on December 15, 1999.

[4] 15 U.S.C. 78f(b)(4).

[5] Pursuant to Section 3(f) of the Act, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0055]

Business Achievement Corporation; Notice of License Surrender

Notice is hereby given that *Business Achievement Corporation (''BAC''), 1172 Beacon Street, Newton, Massachusetts 02461*, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (''the Act''). BAC was licensed by the Small Business Administration on *May 8, 1963*.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on December 27, 1999, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 28, 1999.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00–71 Filed 1–3–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–5484]

Release of Vessel Response Plan Information on the Internet Under the Freedom of Information Act

AGENCY: Coast Guard, DOT.

ACTION: Notice of decision.

SUMMARY: This notice is to inform the submitters of vessel response plans that the Coast Guard has determined that the release of information to the general public via the Internet, as described in this notice, will not cause substantial competitive harm to any submitter. The information will be released on the Internet and will be publicly available through our vessel response plan world-wide-web site *http://www.uscg.mil/vrp.*

DATES: The release of the VRP information, as described in this notice, is scheduled to occur on or about February 1, 2000.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice (USCG–1998–5484). The original predisclosure notice, all comments subsequently received from the submitters of vessel response plans, and this notice are part of the docket and are available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, call Lieutenant Commander John Caplis, Plans and Preparedness Division, Office of Response, Coast Guard, telephone 202–267–6922, fax 202–267–4065, or at e-mail address *jcaplis@comdt.uscg.mil.* For questions on viewing material in the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The owners and operators of tank vessels are required to submit vessel response plans to the Coast Guard for review and approval in accordance with the Oil Pollution Act of 1990 and 33 CFR part 155. An important aspect of the planning and approval process is the submission and review of the preparedness arrangements made by the owner/operator for each Captain of the Port (COTP) zone in which their tank vessel operates. These arrangements include provisions for a ''qualified individual'', a spill management team, and contracted response resources. Contracted response resources include arrangements for oil spill removal organizations (OSROs), salvage and firefighting companies, and emergency lightering companies.

As part of our review process, we maintain an electronic database that tracks both the status of these plans as well as many other important elements, such as the contracted response resources listed in the plan for each COTP zone where a vessel operates. We believe that it is important for Federal, State, and local governments, non-governmental organizations, response organizations, and other interested parties within the general public to have ready access to this pre-spill planning information. This information is critical for port state officials who are responsible for monitoring activities within their jurisdictions, as well as entities responsible for planning response activities in our coastal and riverine communities.

The Coast Guard has been working to make this information available to the public. In 1997, we developed an Internet website for disseminating important vessel response plan program information (*http://www.uscg.mil/vrp*). A portion of the Internet website provides the general public with the status of each plan's approval with respect to each COTP zone. The information available to the general public on this website will be expanded to include other important data, such as identity of the contracted response resources listed for each COTP zone included in a plan.

The information submitted in vessel response plans to the Coast Guard is covered by the Freedom of Information Act (FOIA), applicable regulations, and Executive Order 12,600. Exemption 4, which applies to information submitted to the Government by any private person, applies here. Exemption 4 shields from release confidential, commercial, or financial information if the release would cause substantial competitive harm to the submitter. Executive Order 12,600 also applies and requires that before any executive agency releases information to which Exemption 4 would apply, it must give submitters an opportunity to show that the material is confidential, commercial, or financial information and, if released, would cause substantial competitive harm to the themselves. In accordance with Executive Order 12,600, we published a ''Predisclosure Notice and Request for Comment'' in the **Federal Register** on May 4, 1999, announcing our intentions to release the information on the Internet, and provided the submitters of response plan information an opportunity to comment.

Discussion of Comments

We received sixteen written letters in response to the ''Predisclosure Notice and Request for Comment''. We received many comments which raised valid concerns regarding the sensitivity of certain information contained within the plans. We agree that some of this information contained within the plans may be inappropriate for release to the general public on the Internet. In response to these comments, we have identified areas of sensitive information in this notice and have restrained certain portions of the information from being released to the public. The following section summarizes the comments received and elaborates on our determinations regarding which information contained within the plans will be released and which information will be withheld.

Four comments stated that the response plan information should not be released because it could be misused by terrorists or radical protest groups. Two comments specifically stated that the ships drawings and diagrams contained within the response plans should not be released because they may be used by terrorists or radical extremists. We are keenly aware of the need to protect people and property from the unwanted actions of terrorist or extremist groups. However, we disagree with the statement that the release of some vessel response plan information will facilitate such actions. The information to be released on the internet does not contain technical or operational details that would facilitate the planning of such terrorist-type activities. The Coast Guard does agree that ship's drawings and diagrams are sensitive in nature. Ships drawings or diagrams of any type will not be released on the Internet.

Five comments stated that the response plan information should not be released because it will make approved plan formats available for other companies to copy free of charge. We disagree. Entire plans or plan format information will not be released, only data tables containing specific pieces of information contained within the plan will be released on the Internet.

One comment stated that the response plan information should not be released because worst case discharge data can be equated to fuel capacities to their vessels. We disagree. The worst case discharge (WCD) data does not necessarily equate to the fuel capacity for a vessel. WCD amounts for

secondary carriers equals 25% of fuel capacity plus cargo tank capacities. The WCD data released only provides a total amount, and does not provide a specific breakdown of cargo or fuel tank capacities that would be needed to determine fuel capacities based on WCD information.

Ten comments stated that the release of phone or pager numbers for qualified individuals (QIs), owners, spill management teams (SMTs), or oil spill removal organizations (OSROs), is an invasion of privacy, and will clog communications during a response. We agree with these comments. Phone, pager, and fax numbers or email addresses listed in the vessel response plans will not be released to the public. For owners or listed points of contact (POC) for a plan, only the corporate address or address listed for the plan preparer will be released. The names of company employees will not be released, except for QIs, or when the plan POC or owner listed is a named individual rather than a corporate entity. For OSROs, only company names and prescribed coverage scenarios (AMPD, MMPD, or WCD) will be released. Since QI's must be named individuals in the plans as per the regulations, QI names will be released, but no personal communication information such as phone numbers, faxes, pagers, home addresses or emails will be released in connection with their designation as a QI.

One comment stated that response plan information should not be released because the listing of designated OSROs within a plan will create controversy between multiple OSROs listed within a plan. We disagree. It is common industry practice for planholders to contract or list more than one OSRO within a plan since the resources of multiple OSROs are likely to mobilize during a response to a large spill. The nature of the contractual relationship between a planholder and its OSROs or the criteria used for selecting an OSRO from a multiple listing of OSROs will not be released on the Internet.

Four comments stated that vessel names, vessel identification numbers (VINs), vessel dimensions, listed cargoes, and cargo capacities should not be released because the release of this information will affect their ability to compete with other companies. We agree that specific cargo information such as specific product names or amounts should not be released. Only the generic cargo types (groups I–V), which are based on a regulatory range of specific gravity's (important for the types of response arrangements that must be made), and the WCD amount for the vessel's entire cargo will be released. Cargo tank capacities or dimensions will not be released. Vessel dimensions (such as length and beam), vessel name, and vessel identification numbers are commonly available within the public domain through a variety sources, and will be released on the Internet.

Two comments stated that the response plan information should not be released because the release of OSRO data will upset competition between OSROs and create price increases which will negatively impact the planholder. We disagree. Competition and the pricing for OSROs will be driven by market forces. Any price increases for the services of an OSRO that may occur as a result of new information becoming available to the public or planholders at large will not be limited to a single submitter, but is likely to apply equally to all potential planholders.

Two comments stated that the response plan information should not be released because the terms of contractual information is proprietary. We agree that the terms of a contractual relationship between the OSRO and a planholder may be proprietary when the release of financial information is disclosed. For this reason, the provisions of the contracts will not be released. Only the name of a provider and the response coverage to be provided (AMPD, MMPD, WCD) will be released. No financial information will be released.

One comment stated that response plan information should not be released because information pertaining to vessel operations and operating environments is proprietary and will affect their ability to compete with other companies. We disagree. Proprietary information pertaining to precise vessel routes, operational schedules, or transfer points within a specific port will not be released. The designation of generic operating environments (*i.e.,* rivers, inland, or oceans environments), however, and the confirmation of lightering potential for each COTP zone approved in the plan, will be released. This information will help ensure that the types of OSROs and response coverage provided within a plan are appropriate for the vessel's stated operations.

One comment stated that the response plan information should not be released because it may create additional workloads for companies who must answer inquiries from the general public regarding their response plan. We agree that the release of plan information may generate inquiries from the general public to planholders regarding their response plans. Public scrutiny of plans will help inform the public and help ensure quality assurance within the plan. While companies may receive public inquiries, there is no obligation or requirement being imposed on the planholder to respond, and all submitters are equally subject to receiving such inquiries. Such inquiries will not cause substantial competitive harm to the submitter of a plan.

Two comments stated that the response plan information should not be released because the information released on the Internet may be out of date. We disagree. The information to be released on the Internet will have real time access to the Coast Guard's response plan tracking database, which is updated daily as plan revisions are received and processed. The data will reflect the current version of the plans as they are approved by the Coast Guard at all times.

Discussion of Decision

The information submitted in vessel response plans to the Coast Guard is covered by the Freedom of Information Act (FOIA), applicable regulations, and Executive Order 12,600. Under FOIA, information must be disclosed unless it falls within one of the statute's listed exemptions. Exemption 4 shields from release confidential, commercial, or financial information if the release would cause substantial competitive harm to the submitter. Under Executive Order 12,600 and 49 CFR 7.17, we must have a detailed justification that shows the likely cause of substantial harm to a submitter's present or future competitive position, in order to withhold such information.

We have reviewed the comments submitted to the docket and, except as discussed in this notice, have determined that none of the objections raised have sufficiently shown that the release of this information would cause the submitters to suffer substantial competitive harm. We have determined that there is no substantial prohibition to the release of the VRP data, as described in this notice, on the Internet. We have taken a hard look at the objections raised, and addressed each concern, to ensure that sensitive response plan information will not be released.

The following general categories of response plan information will be available to the general public via the Internet: (1) Owner name; (2) operator name; (3) point of contact information for owner/operator (addresses only); (4) point of contact information for plan preparer (address only); (5) date of last plan update; (6) plan approval status; (7)

plan approval date; (8) plan expiration date; (9) plan identification number; (10) vessel name; (11) vessel identification number; (12) vessel flag; (13) vessel type; (14) hull configuration; (15) vessel length; (16) cargo types (generic cargo groups based on specific gravity only, *i.e.* Groups I–V); (17) primary or secondary carrier designation; (18) worst case discharge amount; (19) qualified individuals (name and company only); (20) oil spill removal organizations (company name and level of response only); (21) other contracted resources; (22) alternate compliance agreements; (23) navigational restrictions; and (24) operating environments (generic operating areas only, *i.e.* offshore, nearshore, inland, rivers & canals, Great Lakes).

All submitters who responded with comments to the ''Predisclosure Notice and Request for Comment'' have been notified by written letter of our decision to release their information on the Internet. Executive Order 12,600 provides that before a release of any information to which Exemption 4 might apply, if the submitters' assertions of confidentiality or harm are not accepted, the release must be delayed long enough to allow submitters a reasonable opportunity to obtain a court order preventing the release. The VRP information, as described in this notice, is scheduled for release on or about February 1, 2000.

Dated: December 27, 1999.

J.P. High,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–33 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at Metropolitan Oakland International Airport, Oakland, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Metropolitan Oakland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before February 3, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Steven J. Grossman, Director of Aviation of the Port of Oakland, at the following address: 530 Water Street, Oakland, CA 94604. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Port of Oakland under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, Airports Program Analyst, Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (650) 876–2806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Metropolitan Oakland International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On December 14, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Port of Oakland was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 16, 2000. The following is a brief overview of the impose and use application number 00–09–C–00–OAK:

Level of proposed PFC: $3.00.

Proposed charge effective date: June 1, 2000.

Estimated charge expiration date: January 1, 2003.

Total estimated PFC revenue: $38,459,000.

Brief description of the impose and use projects: Electronic Key Security System, Telecommunication Infrastructure Program, Improve Sewer System for Terminal 1, Airport Radio System, Taxiway Tango Reconstruction, Airfield Lighting Improvement Program, Airfield Master Plan, Runway 11/29 Conduit and Lighting Project, Purchase New Airport Rescue and Firefighting (AAFF) Vehicle, Emergency Operations Center in ARFF Building, Taxiway Charlie Pavement Improvements, Overlay Runway 9L/27R, Install Taxiway Edge Lights on K, L, M, N, P, & Q, and Install Lighting on Ramp.

Brief description of impose only projects: Water Pollution Control Facility and Ground Run-up Enclosure.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators filing FAA Form 1800–31 and Commuters or Small Certificated Air Carriers filing DOT Form 298–C T1 and E1.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Port of Oakland.

Issued in Hawthorne, California, on December 14, 1999.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 00–95 Filed 01–03–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

TSO–C140: Aerospace Fuel, Engine Oil, and Hydraulic Fluid Hose Assemblies

AGENCY: Federal Aviation Administration, (DOT).

ACTION: Notice of availability for public comment.

SUMMARY: This notice announces the availability of, and requests comments on, a proposed Technical Standard Order (TSO) pertaining to minimum performance standards and fire resistance standards that hose assemblies, commonly used in aerospace fuel, engine oil, and hydraulic fluid systems, must meet to be identified with the TSO–C140 marking.

DATES: Comments must be received on or before March 31, 2000.

ADDRESSES: Send all comments on the proposed Technical Standard Order to: Airworthiness Programs Branch, AFS–610, Regulatory Support Division, Flight Standards Service, Federal Aviation Administration, P.O. Box 26460, Oklahoma City, OK 73125–0460, or deliver comments to: Federal Aviation Administration, Mike Monroney Aeronautical Center, ARB Room 304A, 6500 S. MacArthur Boulevard, Oklahoma City, OK 73169. Comments must identify the TSO file number.

FOR FURTHER INFORMATION CONTACT: Ray Brown, Airworthiness Programs Branch, AFS–610, Regulatory Support Division, Flight Standards Service, Federal Aviation Administration, P.O. Box 26460, Oklahoma City, OK 73125–0460, Telephone No. (405) 954–6915 or FAX No. (405) 954–4104.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments, as they desire to the address specified. Comments received on the proposed Technical Standard Order may be examined, before and after the comment closing date, in ARB Room 304A, Mike Monroney Aeronautical Center, 6500 S. MacArthur Boulevard, Oklahoma City, OK 73169, weekdays, except Federal holidays, between 8:00 a.m. and 4:00 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

Current TSO–C53a, ''Fuel and Engine Oil System Hose Assemblies,'' and TSO–C75, ''Hydraulic Hose Assemblies,'' were issued in the early 1960s and have not been updated or revised to reflect the use of new materials and manufacturing methods. Proposed TSO–C140 would clearly define and identify improved materials and hose designs that would satisfy the service parameters for flexible hose assemblies used in current aviation applications. The standards of TSO–C140 would apply to any model of aerospace fuel, engine oil, or hydraulic fluid hose assembly for which a TSO application is submitted after the effective date of the TSO.

Revision B of the Society of Automotive Engineers, Inc. (SAE) Aerospace Standard Document No. 150 (AS150 REV B), ''Hose Assembly, Type Classifications of, Basic Performance and Fire Resistance,'' is referenced in proposed TSO–C140 to establish performance standards and test conditions for hose assemblies. Representative samples of fire resistant and fireproof hose assemblies would be required to meet the test conditions specified in SAE AS1055 REV D, ''Fire Testing of Flexible Hose, Tube Assemblies, Coils, Fittings, and Similar System Components.''

Hose assemblies currently approved under a TSO–C53a or TSO–C75 authorization could continue to be manufactured under the provisions of their original approval. Per 14 CFR § 21.611(b), any major design change to a hose assembly previously approved under TSO–C53a or TSO–C75 would require a new authorization under the proposed TSO.

How to Obtain Copies

A copy of the proposed TSO–C140 may be electronically obtained via the Internet (http:/www.faa.gov/avr/air/air100/100home.htm) or requested from the FAA office listed under **FOR FURTHER INFORMATION CONTACT.** Copies of AS150 REV B, AS1055 REV D, and other SAE documents referenced in AS150 REV B may be purchased by mail from the Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 15096; by phone at (724) 776–4970; or by FAX at (724) 776–0790. Computer users with Internet access may place an order at Internet browser address: http://www.sae.org/products/standards/stdsinfo/standard.htm.

Issued in Washington, DC on December 17, 1999.

James C. Jones,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 00–96 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket RSPA–98–4957; Notice 17]

Notice of Extension of Existing Information Collection

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Request for OMB approval and public comments.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Research and Special Programs Administration's (RSPA) published its intention to renew an existing information collection in support of the Office of Pipeline Safety (OPS) for Management Information System (MIS) Standardized Data Collection and Reporting of Drug Testing Materials (October 22, 1999, 64 FR 57183). No comments were received. The purpose of this notice is to allow the public an additional 30 days from the date of this notice to send in their comments.

RSPA believes that its drug testing requirements are an important tool for operators to monitor drug usage in the industry. RSPA has found that drug use in the pipeline industry is less than 1% of employees.

DATES: Comments on this notice must be received on or before February 3, 2000 to be assured of consideration.

ADDRESSES: Comments should identify the docket number of this notice, RSPA–98–4957, and be mailed directly to Office of Regulatory Affairs, Office of Management and Budget, ATTN: RSPA Desk Officer, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–6205 or by electronic mail at marvin.fell@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Management Information System (MIS) Standardized Data Collection and Reporting of Drug Testing Materials.

OMB Number: 2137–0579.

Type of Request: Extension of an existing information collection.

Abstract: Drug abuse is a major societal problem and it is reasonable to assume the problem exists in the pipeline industry as it does in society as a whole. The potential harmful effect of drug abuse on safe pipeline operations warrants imposing comprehensive drug testing regulations on the pipeline industry. These rules are found in 49 CFR 199. These regulations require annual information collection of the results of the drug testing program.

Respondents: Pipeline operators.

Estimated Number of Respondents: 2,419.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 8,264.

Copies of this information collection can be reviewed at the Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 from 9 a.m. to 5 p.m., Monday through Friday except Federal holidays. They also can be viewed over the Internet at http://dms.dot.gov.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC on December 29, 1999.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 00–93 Filed 1–3–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33842]

Canadian National Railway Company, Grand Trunk Western Railroad Incorporated, Illinois Central Railroad Company, Burlington Northern Santa Fe Corporation, and The Burlington Northern and Santa Fe Railway Company—Common Control

AGENCY: Surface Transportation Board.

ACTION: Decision No. 1; Notice of prefiling notification.

SUMMARY: Pursuant to 49 CFR 1180.4(b), Burlington Northern Santa Fe Corporation (BNSFC) and The Burlington Northern and Santa Fe Railway Company (BNSFR),[1] and Canadian National Railway Company (CNR), Grand Trunk Western Railroad Incorporated (GTW), and Illinois Central Railroad Company (IC),[2] have notified the Surface Transportation Board (Board) of their intention to file an application[3] seeking Board authorization under 49 U.S.C. 11323–25 and 49 CFR part 1180 for a ''major'' transaction[4] (hereinafter referred to as the BNSF/CN transaction) under which BNSF and CN would be brought under common control.

ADDRESSES: An original and 25 copies of all documents[5] filed in this proceeding must refer to STB Finance Docket No. 33842 and must be sent to the Surface Transportation Board, Office of the Secretary, Case Control Unit, ATTN: STB Finance Docket No. 33842, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each document filed in this proceeding must be sent to the Administrative Law Judge (ALJ) who will be assigned to entertain and rule upon all disputes concerning discovery in this proceeding, and to each of applicants' representatives: (1) Erika Z. Jones, MAYER, BROWN & PLATT, 1909 K Street, N.W., Washington, DC 20006–1101 (representing BNSF); and (2) Paul A. Cunningham, HARKINS CUNNINGHAM, 801 Pennsylvania Avenue, N.W., Suite 600, Washington, DC 20004–2664 (representing CN).

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565–1613. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In the notice of intent (BN/CN–1) filed December 20, 1999, applicants have advised that, on December 18, 1999, BNSFC and CNR entered into a Combination Agreement, a Plan of Arrangement, a Co-Operation Agreement, and a Voting and Exchange Trust Agreement (VETA), under which, subject to Board authorization and other conditions: (1) BNSFC will become a wholly owned subsidiary of a new parent company named North American Railways, Inc. (NAR), which will also acquire (in addition to its 100% interest in BNSFC) all of the equity in CNR[6] and a 10.1% voting right in CNR; (2) BNSFC shareholders will receive, for each share of their BNSFC common stock, a ''stapled'' unit consisting of one share of NAR common stock plus one share of CNR voting stock; (3) CNR shareholders will receive, for each share of their CNR common stock, 1.05 ''stapled'' units, each consisting of, at the option of the holder, either (a) one share of NAR common stock plus one share of CNR voting stock, or (b) one share of CNR nonvoting exchangeable preferred stock (exchangeable at the option of the holder into one share of NAR common stock) plus one share of CNR voting stock;[7] (4) NAR will receive 100% of CNR's limited voting equity shares, entitling NAR, as the holder, to a vote equal to 10.1% of the total number of votes to be cast by the holders of CNR's outstanding voting shares;[8] and (5) The Trust Company of the Bank of Montreal, as trustee under the VETA, will receive NAR's special voting share entitling the trustee to a number of votes at NAR's shareholder meetings equal to the number of outstanding shares of CNR's exchangeable preferred stock.[9] Applicants have further advised: that NAR, BNSF, and CN will be operated under the direction of the boards of directors of NAR and CNR, which will be identical after closing of the BNSF/CN transaction; that NAR's Chairman and its Chief Executive, Chief Operating, and Chief Financial Officers will serve in those same capacities at CNR; that NAR and CNR will have, at all times, the same shareholder base; that the NAR/CNR stapled units will continue to be publicly traded; and that each stapled unit will have the same voting power and economic interest in the combined enterprise.[10]

Major Transaction Status

The Board finds that the BNSF/CN transaction is a ''major transaction,'' as defined at 49 CFR 1180.2(a), because, if implemented, it will bring under common control the Class I railroad now controlled by BNSFC (BNSFR) and the Class I railroads now controlled by CNR (GTW and IC). The BNSF/CN

[1] BNSFC and BNSFR are referred to collectively as BNSF.

[2] CNR, GTW, and IC are referred to collectively as CN.

[3] BNSF and CN are referred to collectively as applicants.

[4] A major transaction is one under 49 U.S.C. 11323 involving the merger or control of two or more Class I railroads.

[5] In addition, parties must submit electronic copies, which we discuss in detail further below.

[6] Applicants have advised that only NAR will have a common equity interest in CNR.

[7] Applicants have advised: that the exchangeable preferred shares are expected to be attractive to Canadian residents because such shares will permit such residents, among other things, to defer taxation; that, since the exchange, but not the receipt, of these shares will be taxable for Canadian tax purposes, the holders will in effect be given a choice as to whether, when, and to what extent they will exchange their CNR exchangeable preferred shares for NAR common shares; and that, by comparison, U.S. residents would be expected to elect to receive the NAR common stock at the outset because, under U.S. tax laws, such receipt will be essentially nontaxable to U.S. residents for federal income tax purposes and, on an ongoing basis, will not be subject to Canadian withholding tax. Applicants have further advised that the dividend rights of the holders of CNR's exchangeable preferred shares will be maintained in economic parity with the dividend rights of the holders of NAR's common shares.

[8] Applicants have advised that NAR's 10.1% voting right in CNR will permit NAR to claim foreign tax credits for federal income tax purposes with respect to Canadian income taxes payable by CNR, which will reduce the federal income taxes payable by NAR with respect to dividends and other income received by NAR from CNR.

[9] Applicants have advised: that the holders of CNR's exchangeable preferred shares will direct the trustee as to the voting of the NAR special voting share; and that this arrangement will give them the same vote at NAR shareholder meetings as if they were the direct owners of NAR common shares.

[10] Applicants have advised that, as respects the ''stapled'' units that will be received by BNSFC shareholders and also as respects the ''stapled'' units that will be received by CNR shareholders, the term ''stapled'' is intended to mean that the shares in each such unit are ''stapled'' together and cannot be traded or otherwise disposed of separately.

application must therefore, except as modified by advance waiver, conform to the 49 CFR part 1180 requirements applicable to major transactions.

Impact Analysis Base Year

Applicants have indicated that they will use the year 1998 as the base year for purposes of the impact analysis to be filed in their application.

Application Filing Date

Applicants have indicated that they anticipate filing their application on or after the 90 days after December 20, 1999. *See* 49 CFR 1180.4(b)(1) (this provision provides, in essence, that an application respecting a major transaction must be filed between 3 and 6 months after the filing of the prefiling notification).

Administrative Law Judge

As in past proceedings, an Administrative Law Judge will be assigned to entertain and rule upon all disputes concerning discovery in this proceeding.

Protective Order; Procedural Schedule

As in past proceedings, applicants will be expected to submit: a draft version of a protective order to govern the production of material regarded as either ''confidential'' or ''highly confidential'' (as those terms have been used in past proceedings); and a proposed procedural schedule to govern the processing of the BNSF/CN application.

Electronic Submissions

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties must also submit, on diskettes (3.5-inch IBM-compatible floppies) or compact discs, one electronic copy of each such document (*e.g.,* textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence).[11] Textual materials must be in, or convertible by and into, WordPerfect 7.0. Spreadsheets must be in some version of Lotus, Excel, or Quattro Pro. Each diskette or compact disc should be clearly labeled with the identification acronym and number of the corresponding paper document, *see* 49 CFR 1180.4(a)(2), and a copy of such diskette or compact disc should be provided to any other party upon request. The data contained on the diskettes or compact discs submitted to the Board may be submitted under seal (to the extent that the corresponding paper copies can be submitted under seal pursuant to the protective order that will be entered in this proceeding), and will be for the exclusive use of the Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data is necessary for efficient review of these materials by the Board and its staff.[12]

Downstream Effects and Service Issues

In the past several years, the leading North American railroads have undertaken a series of major transactions that, when taken together, have dramatically reconfigured the entire North American railroad industry. This process has proved not to be an easy one, as evidenced by the significant and ongoing adjustments required by railroads, shippers, and rail employees as the implementation process for those transactions continues.

The BNSF/CN transaction, if approved and implemented, may trigger yet another full round of major transactions, as other railroads seek to position themselves and their customers to meet the competitive effects of a unified BNSF/CN.[13] The ''one case at a time'' rule, 49 CFR 1180.1(g), provides that in a major transaction proceeding, ''consideration will be limited to the impacts of transactions which have already been approved and are, therefore, reasonably certain to occur.'' However, given the competitive responses that can be expected of other railroads, we will waive, on our own motion, the rule set out in 49 CFR 1180.1(g), so that applicants and other interested persons can submit, and the Board can consider, evidence respecting the ''cumulative impacts and crossover effects,'' that are likely to occur in the wake of a BNSF/CN transaction. Similarly, parties should address the effect of the proposed transaction and any likely subsequent transactions, that would produce further significant consolidation in the industry, upon the statutory goals embodied in 49 U.S.C. 10101, with particular attention to those aimed at fostering sound and competitive economic conditions in the U.S. railroad industry.[14]

Furthermore, as noted, North American railroads, together with their customers and employees, have not yet fully adjusted to the recent wave of major rail transactions. Given our recent experience with post-merger rail service disruptions, we expect applicants and other interested persons to submit evidence respecting the likely effects on rail service of any action we may take, considering again the statutory goals cited above.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: December 27, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 00–105 Filed 1–3–00; 8:45 am]

BILLING CODE 4915–00–P

[11] The results derived from electronic workpapers must be reproducible, *i.e.,* all underlying data bases, computer programs (FORTRAN, COBOL, C++, *etc.*) and electronic spreadsheets must be submitted in evidence. Program flows and logic trails must also be included. Computer programs must be submitted in both source code and executable modules. Electronic spreadsheets must be executable and all cell inputs must be documented.

[12] The electronic submission requirements set forth in this decision supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in our regulations. *See* 49 CFR 1104.3(a).

[13] Indeed, the most recent round of major mergers began with the consolidation of the ''Burlington Northern'' and ''Santa Fe'' systems.

[14] Of course, we also expect applicants to address the statutory criteria set forth in 49 U.S.C. 11324, including the effect on competition among rail carriers in the national rail system.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388 (Sub-No. 90)] [1]

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements —Conrail Inc. and Consolidated Rail Corporation (Buffalo Rate Study)

ACTION: Decision No. 2; Extension of Deadlines Applicable to the First Phase of the Buffalo Rate Study.

SUMMARY: In Decision No. 1, which was served December 15, 1999, and published in the **Federal Register** on December 20, 1999 (at 64 FR 71188), the Board initiated a 3-year study (the Buffalo Rate Study) to examine linehaul and switching rates for rail movements into and out of the State of New York's Buffalo area. By petition filed December 23, 1999, CSX Corporation and CSX Transportation, Inc. (collectively, CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) have requested that each of the respective due dates for the first phase (also referred to as the initial

[1] A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388.

6-month review) of the Buffalo Rate Study be extended for a period of four weeks. In this decision, the Board is extending the due dates applicable to the first phase of the Buffalo Rate Study.

DATES: For the initial 6-month review (also referred to as the first phase), the carriers' rail 100% waybill files for the period beginning June 1, 1997, and ending November 30, 1999, should be made available to all interested parties and to Board staff by January 27, 2000. CSX and NS comprehensive filings are due by February 11, 2000; comments from other parties are due by March 13, 2000; and CSX and NS replies to comments are due by March 28, 2000.

For the first full-year review, the carriers' rail 100% waybill files for the period ending May 31, 2000, should be made available to all interested parties and to Board staff by June 30, 2000. CSX and NS comprehensive filings are due by July 14, 2000; comments from all interested parties are due by August 14, 2000; and CSX and NS replies to comments are due by August 29, 2000. (The dates applicable to the first full-year review have not been changed; they are noted here simply for ease of reference.)

ADDRESSES: An original and 25 copies of all documents must refer to STB Finance Docket No. 33388 (Sub-No. 90) and must be sent to: Surface Transportation Board, Office of the Secretary, Case Control Unit, Attn: STB Finance Docket No. 33388 (Sub-No. 90), 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of all documents in this proceeding must be sent to each representative: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, N.W., Washington, DC 20004–1202 (representing CSX); and (2) Richard A. Allen, Esq., Zuckert, Scoutt & Rasenberger, LLP, 888 17th Street, N.W., Washington, DC 20006–3939 (representing NS).

In addition to submitting an original and 25 copies of all paper documents filed with the Board, parties also must submit, on 3.5-inch IBM-compatible floppy diskettes (disks) or compact discs (CDs), copies of all pleadings and attachments (e.g., textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence) and must clearly label pleadings and attachments and corresponding computer diskettes with an identification acronym and pleading number. Textual materials must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in some version of Lotus, Excel, or Quattro Pro. Parties may individually seek a waiver from the disk-CD requirement.

FOR FURTHER INFORMATION, CONTACT: Michael A. Redisch, (202) 565–1544. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In their petition (designated CSX/NS–220) filed December 23, 1999, CSX and NS have explained that extension of the first phase deadlines is necessary to assure the orderly and efficient production of the waybill data called for in Decision No. 1. CSX and NS contend, in essence, that, in view of other year-end tasks, and considering the substantial data processing required to produce the relevant waybill records, production of the required waybill data by December 30, 1999 (the date set in Decision No. 1) is simply not feasible.

The requested extension is justified, especially in light of the need for meaningful data for the Buffalo Rate Study. As noted by CSX and NS, because the study is a 3-year undertaking involving annual reviews, the 4-week extension will not affect the timely completion of the initial annual review or the overall study. The deadlines applicable to the first phase will therefore be extended in the manner requested.

Service List

As with Decision No. 1, a copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in STB Finance Docket No. 33388. This decision (like Decision No. 1) will serve as a notice that persons who were parties of record in STB Finance Docket No. 33388 will not automatically be placed on the service list as parties of record for this Buffalo Rate Study proceeding. Any persons interested in being on the STB Finance Docket No. 33388 (Sub-No. 90) service list and receiving copies of CSX and NS filings relating to the Buffalo Rate Study must send us written notification with copies to the railroads' representatives.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: December 28, 1999.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams,

Secretary.

[FR Doc. 00–106 Filed 1–3–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Bonded Warehouse Proprietors's Submission

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Bonded Warehouse Proprietors's Submission. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before March 6, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB)

approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Bonded Warehouse Proprietors's Submission.

OMB Number: 1515–0093.

Form Number: Customs Form 300.

Abstract: Customs Form 300 is prepared by Bonded Warehouse Proprietor's and submitted to the Customs Service annually. The document reflects all bonded merchandise entered, released, and manipulated, and includes beginning and ending inventories.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 1,403.

Estimated Time Per Respondent: 132 hours.

Estimated Total Annual Burden Hours: 185,757.

Estimated Total Annualized Cost on the Public: $1,671,813.

Dated: December 23, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–101 Filed 01–03–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application for Extension of Bond for Temporary Importation

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application for Extension of Bond for Temporary Importation. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before March 6, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Extension of Bond for Temporary Importation.

OMB Number: 1515–0054.

Form Number: Customs Form 3173.

Abstract: Imported merchandise which is to remain in the U.S. Customs territory for 1-year or less without duty payment is entered as a temporary importation. The importer may apply for an extension of this period on Customs Form 3173.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 1,155.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 2,694.

Estimated Total Annualized Cost on the Public: $43,100.

Dated: December 23, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–102 Filed 01–03–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

Proposed Collection; Comment Request; Application and Approval To Manipulate, Examine, Sample, or Transfer Goods

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Application and Approval to Manipulate, Examine, Sample, or Transfer Goods. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before March 6, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to

enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application & Approval to Manipulate, Examine, Sample, or Transfer Goods.

OMB Number: 1515–0021.

Form Number: Customs Form 3499.

Abstract: Customs Form 3499 is prepared by importers or consignees as an application to request examination, sampling, or transfer of merchandise under Customs supervision. This form is also an application for the manipulation of merchandise in a bonded warehouse and abandonment or destruction of merchandise.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions and individuals.

Estimated Number of Respondents: 2,290.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 13,740.

Estimated Total Annualized Cost on the Public: $109,920.

Dated: December 23, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–103 Filed 1–3–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

United States Customs Service

Proposed Collection; Comment Request; Country of Origin Marking Requirements for Containers or Holders

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Country of Origin Marking Requirements for Containers or Holders. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before March 6, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: J. Edgar Nichols, Room 3.2.C, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Tel. (202) 927–1426.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Country of Origin Marking Requirements for Containers or Holders.

OMB Number: 1515–0163.

Form Number: N/A.

Abstract: Containers or Holders imported into the United States destined for an ultimate purchaser must be marked with the English name of the country of origin at the time of importation into Customs territory.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 250.

Estimated Time Per Respondent: 15 seconds.

Estimated Total Annual Burden Hours: 41.

Estimated Total Annualized Cost on the Public: $533.00.

Dated: December 23, 1999.

J. Edgar Nichols,

Agency Clearance Officer, Information Services Branch.

[FR Doc. 00–104 Filed 1–3–00; 8:45 am]

BILLING CODE 4820–02–P

Federal Register

Tuesday

January 4, 2000

Part II

Federal Housing Finance Board

12 CFR Parts 900, 910 and 941

Reorganization of the Office of Finance; Authority To Issue Consolidated Obligations on Which the Federal Home Loan Banks Are Jointly and Severally Liable; Proposed Changes to the Financial Management Policy of the Federal Home Loan Bank System; Proposed Rule and Notice

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 900, 910 and 941

[No. 99–61]

RIN 3069–AA88

Reorganization of the Office of Finance; Authority To Issue Consolidated Obligations on Which the Federal Home Loan Banks Are Jointly and Severally Liable

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is proposing to amend its regulations regarding the Office of Finance (OF), a joint office of the Federal Home Loan Banks (Bank or Banks). The proposed rule would reorganize the OF and broaden its duties, functions and responsibilities in two key respects: the OF would perform consolidated obligation (CO) issuance functions, including preparation of combined financial reports, for the Banks; and the OF would serve as a vehicle for the Banks to carry out joint activities in a way that promotes operating efficiency and effectiveness in achieving the mission of the Banks.

With respect to the issuance of COs, *i.e.,* bonds, notes or debentures, the proposed rule would make the Banks, rather than the Finance Board, the issuers of COs under section 11 of the Federal Home Loan Bank Act (Act). As proposed, this action would not have a substantive effect on the debt issuance process or on the joint and several obligation of the Banks on the COs, but it would make the Banks responsible for accessing the capital markets through the OF to fund their own operations. This is consistent with devolutionary actions taken by Congress to give the Banks greater autonomy over the management of their business and to remove the Finance Board from involvement in Bank management functions.

The proposed rule also is intended to provide the powers, operational independence, and flexibility the OF needs to be available for the Banks' use as a central management facility with respect to all joint Bank asset activities, and to facilitate the issuance of COs by the Banks or the Finance Board under section 11 of the Bank Act.

The Finance Board is also proposing to make certain conforming amendments to its policy statement entitled ''Financial Management Policy of the Federal Home Loan Bank System'' (FMP). A Notice describing the proposed FMP changes in detail is published elsewhere in this issue of the **Federal Register**.

DATES: The Finance Board will accept comments on the proposed rule in writing on or before March 6, 2000.

ADDRESSES: Send comments to Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov,* or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Joseph A. McKenzie, Deputy Chief Economist, Office of Policy, Research and Analysis, 202/408-2845, mckenziej@fhfb.gov, Charlotte A. Reid, Special Counsel, Office of General Counsel, 202/408–2510, reidc@fhfb.gov, or Eric E. Berg, Senior Attorney, Office of General Counsel, 202/408–2589, berge@fhfb.gov. Staff also can be reached by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Overview of Proposal

The proposed rule would establish a new structure for the OF to accommodate additional functions proposed to address new challenges faced by the Bank System. With respect to the issuance of COs, the proposed rule would authorize the Banks, rather than the Finance Board, to issue COs, as discussed more completely below. This action is consistent with the Finance Board's ongoing efforts to remove itself as much as it can legally do from involvement in the management of the Banks, and with devolutionary actions taken by Congress to give the Banks greater autonomy over the management of their business.

Notwithstanding the fact that the members of the Bank System know their communities and customers' needs best, the mortgage market is no longer the fragmented, localized market that it was when Congress created the Bank System in 1932. Driven by technological improvements, the mortgage market's delivery systems have become more national in scope, and the mortgage market now plays a central role in the national economy. The need for ''an appropriate vehicle for coordination of System-wide business issues,'' such as a central facility to assist the Banks in managing various aspects of their operations, including mortgage-related assets, has grown in the ten years since Congress confirmed the OF as a joint office of the Banks in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).[1]

The Finance Board believes that the market has created an incentive and a business need for a facility controlled by the Banks and their members to provide economies and efficiencies of scale, as it has done for the issuance of COs by the Finance Board, by giving the Banks the flexibility to centralize certain of their common business functions. The Finance Board anticipates that this need will become even more critical as the Banks develop asset activities such as Member Mortgage Assets as part of their core business.[2] Not only would such a facility provide operational benefits, it also would enhance the safety and soundness of the operations by providing both expertise and a mechanism for achieving risk management, and geographic diversity on a joint asset portfolio basis. In light of the recent enactment of Title VI of the Gramm-Leach-Bliley Act, the Federal Home Loan Bank System Modernization Act of 1999,[3] the Finance Board is taking this opportunity to propose a reorganization of the OF that will allow this joint office of the Banks to function in this way at the request of the Banks and facilitate growth in the Bank System's business as the Banks seek to provide their members with new credit products and respond to changes in the marketplace and congressional mandates. The Finance Board believes having the OF serve these functions is particularly important because the OF is the only statutorily acknowledged and sanctioned joint office for the Banks,

[1] *See* Pub. L. 101–73, tit. VII, sec. 702, 103 Stat. 183 (Aug. 9, 1989). A General Accounting Office (GAO) report commissioned by Congress in section 1393 of the Housing and Community Development Act of 1992, which was issued on December 8, 1993 (GAO/GGD–94–38) (GAO Report), noted that FIRREA made ''many changes'' to the Bank System that ''introduced significant cultural changes for the Banks and their members.'' GAO Report at 19–20. Principally, after FIRREA, the Banks were no longer involved in the oversight and supervision of their members. The members henceforth only would view the Banks as a credit facility, and this change would promote the cooperative nature of the Bank System. GAO concluded, however, that to attract new, voluntary members and retain members, the Banks ''must provide sufficient value—through the products and services offered and the dividends paid—to warrant the required stock investment for membership.'' *Id.* at 21. The GAO Report noted the need for coordination of System-wide business issues. *Id.* at 117.

[2] Indeed, GAO foresaw this need, stating that ''there may be a need for a central coordinating mechanism * * * [that] should reside in the [Bank] System itself.'' *See* GAO Report at 113. The GAO Report observed that there were certain positive goals that could be attained by relieving the Finance Board of certain Bank System governance functions, including enhanced cost control and the centralization of ''certain business functions.'' *Id.* at 114.

[3] Pub. L. 106–102, 113 Stat. 1338 (Nov. 12, 1999).

and the legal authority for the Banks to establish other joint entities is in question.[4]

A. Issuance of Consolidated Obligations

Since 1946, the operations of the Banks and member demand for advances have been financed principally with the proceeds from COs issued pursuant to section 11(c) of the Bank Act by the Finance Board, or its predecessor agencies. *See* 12 U.S.C. 1431(c). The Banks, individually and collectively, are the sole obligors on COs issued by the Finance Board under section 11(c) of the Bank Act.[5] The issuance of COs by the Finance Board under section 11(c) of the Bank Act is governed by Finance Board regulations set forth in 12 CFR parts 910 and 941, the FMP and an annual debt authorization. The Finance Board is proposing to achieve the goal of continuing to give the Banks the autonomy to manage and run their own businesses by authorizing the Banks to issue joint debt pursuant to section 11(a) of the Bank Act through the OF as agent for the Banks, which would still be called COs, on which the Banks would be jointly and severally liable. *See* 12 U.S.C. 1422a(a)(3)(B)(iii), 1431(a) and (d). Section 11(a) of the Bank Act provides that the Banks may issue bonds, debentures or other obligations ''upon such terms and conditions'' as the Finance Board may approve and ''subject to the rules and regulations prescribed by'' the Finance Board. *See id.* 1431(a). Under the proposed rule, the same rules governing the apportionment of joint-and-several liability with respect to COs issued by the Finance Board through the OF as agent pursuant to section 11(c) of the Bank Act would apply to COs issued by the Banks through the OF as agent pursuant to section 11(a) of the Bank Act.[6] To eliminate the potential for conflicts to the Finance Board in its role as regulator of the OF and the Banks, the Finance Board is removing itself from its role as issuer of the COs, and instead allowing the Banks to raise funds in the capital markets to fund their operations, a management function tied directly to member demand. While the Finance Board has long been uncomfortable serving in both of these capacities, the process, while awkward, has worked quite successfully. However, the Finance Board's discomfort turned to concern over potential liability for the United States as a result of litigation arising from the bankruptcy of the County of Orange, California.

In the course of the Orange County litigation, (which has since been settled with respect to the Banks, the OF and the United States), the United States District Court for the Central District of California held that Orange County had stated a claim for relief based on its contention that the United States had violated the federal securities laws in the issuance of certain COs. The District Court also found that Orange County's claim for ''restitution'' against the United States under the provisions of the Administrative Procedure Act was not barred by the doctrine of sovereign immunity. The Finance Board does not endorse these holdings, but has determined it is prudent to limit any further risk to the United States from such suits. By taking the proposed action, the Finance Board can accomplish this goal as well as that of making the Banks responsible in name for this most central aspect of their business.

As a natural and necessary adjunct to the issuance of COs, the Banks also should be responsible for the preparation of the disclosure documents that facilitate CO issuance and for the periodic combined financial statements for the Bank System. Logic dictates that the OF, as the only joint Bank System office and existing agent for CO issuance, is the most appropriate entity to perform that function. The OF already prepares the offering documents used in the sale of the Bank System's COs, services the Bank System's debt, and possesses knowledge of the Bank System's financial statements, operations and condition. The Finance Board believes that transferring the function of preparing combined Bank System annual and quarterly financial reports to the OF is entirely appropriate and a provision making the transfer is included in the proposed rule.

The proposed rule will codify the disclosure standards set forth in the Finance Board's ''Statement of Policy: Disclosures in the Combined Annual and Quarterly Financial Reports of the FHLBank System'' (Policy Statement). *See* 63 FR 39872 (July 24, 1998). These standards generally require the combined annual and quarterly financial reports of the Bank System to be prepared in a manner that is, in the judgement of the Finance Board, consistent with the disclosure requirements promulgated by the Securities and Exchange Commission (SEC). While securities issued by the Finance Board or the Banks are exempt from the registration and reporting requirements of the Securities Exchange Act of 1934, 15 U.S.C. 77c(a)42 (1934 Act), the Finance Board believes that the disclosure requirements promulgated by the SEC pursuant to the federal securities laws represent best practice, and that financial and other disclosure concerning the Bank System should conform to this standard to the greatest extent practicable. However, having determined that certain areas of disclosure are either inapplicable or inappropriate for the Bank System, the Finance Board has provided a list of exceptions to the general standard in the Appendix to the proposed rule. Preparation of combined Bank System annual and quarterly financial reports should be greatly simplified by the codification of uniform disclosure standards.

In the area of compensation disclosure, the Finance Board notes that Item C of the proposed Appendix requires disclosure of compensation information only for the 12 Bank presidents and the CEO of the OF, whereas the SEC's regulations require that information for the CEO, the 4 other most highly compensated executive officers who held such offices during the last completed fiscal year, and up to 2 additional individuals for whom disclosure would have been provided but for the fact that the individual was not serving as an executive officer at the end of the last completed fiscal year. This exception was adopted when the Finance Board regulated the compensation of Bank employees, and was intended to avoid the volume of disclosure that would result from applying the SEC standard to twelve Banks and the OF. However, now that Bank employee compensation has been deregulated, the Finance Board seeks comment on whether it should (1)

[4] *See, e.g.,* section 304(a) of the Government Corporation Control Act, *codified at* 31 U.S.C.A. § 9102 (West 1994).

[5] *Id.* 1431(b)–(d). The Bank Act makes clear that obligations of the Banks issued with the approval of the Finance Board are not the obligations of, and are not guaranteed by, the United States. *See id.* 1435. Congress underscored this precept in the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, which provides in pertinent part that none of the housing government-sponsored enterprises' obligations or securities are backed by the full faith and credit of the United States. *See* Pub. L. 102–550, tit. XIII, sec. 1304, 106 Stat. 3944 (Oct. 28, 1992) (*codified at* 12 U.S.C. 4503).

[6] On October 12, 1999, the Finance Board published a final rule clarifying for the Banks how their joint-and-several liability on COs would operate, and elucidating for bondholders how they benefit from the Banks' joint-and-several liability. *See* 64 FR 55125 (Oct. 12, 1999). The Bank System has been and remains financially strong. As of September 30, 1999, there were over $477 billion in COs outstanding. In the history of the Bank System, no Bank has ever been delinquent or defaulted on a principal or interest payment on any CO issued by the Finance Board or its predecessor agencies. The joint-and-several liability of the Banks on the COs is an integral part of investor confidence in Bank System debt.

expand the number of individuals for whom the required compensation information would be provided and (2) change the triggering criteria for compensation disclosure from title/position to income level, or from individual Banks to the Bank System overall.

While the Finance Board is proposing that the OF prepare the Bank System's annual and quarterly financial reports, the Finance Board will continue to be responsible for oversight of the combined Bank System financial reports' compliance with the applicable disclosure standards. Accordingly, the proposed rule provides that the Finance Board in its sole discretion will determine whether or not a combined annual or quarterly report prepared by the OF meets the prescribed regulatory standards. The proposed rule requires the OF to promptly comply with any directive the Finance Board issues regarding the preparation, filing, amendment or distribution of the combined annual or quarterly financial reports.

B. Restructuring of the Office of Finance

The Finance Board long has recognized the importance of an organizational structure for the OF that reflects its duties and responsibilities. The Finance Board has re-evaluated the appropriate organizational structure of the OF in light of the changes proposed herein, with two key goals in mind. First, the Finance Board wants to build on the governance model in the Bank Act, particularly after enactment of the Gramm-Leach-Bliley Act, whereby the Banks should have the autonomy to manage and run their own businesses. Second, the Finance Board wants to give all of the Banks representation on the OF Board of Directors to best achieve their operational goals. Additionally, the Finance Board has considered that the members of the OF Board of Directors should possess experience and qualifications to enable the Board to be most effective in exercising business judgment in its policy-making and decision-making roles. The proposed reorganization is designed to provide the structure, additional functions and operational capacity the OF must possess in order to accommodate the evolving business needs of the Banks.

The Finance Board proposes to significantly alter both the size and composition of the OF Board of Directors. Based on the considerations described above, particularly the increased role being proposed for the OF, the Finance Board believes that the Bank System would best be served by an OF Board of Directors that includes representatives from each Bank, members of the Bank System, and the general community. Accordingly, the proposed rule would expand the OF Board of Directors to a total of 24 members, 12 of whom would be appointed by the Banks, 6 of whom would be elected by Bank System members, and 6 of whom would be appointed by the Finance Board. However, recognizing that this number of directors may be unwieldy, the Finance Board invites comments addressing alternative board structures for the OF that would preserve an appropriate balance of representation by the Banks, the members and the public, as discussed more completely below.

II. Statutory and Regulatory Background

A. The Office of Finance

The OF was one of a number of joint Bank offices established by regulation of the former Federal Home Loan Bank Board (FHLBB), predecessor agency to the Finance Board. Over time, the OF has evolved to support the Banks in responding to changes in the financial markets and Bank System member funding requirements. As originally enacted in 1932, the Bank Act permitted the Banks to issue bonds and debentures, and established a trust registrar, which was the genesis of the OF. From 1934 to 1948, the FHLBB directed the Banks collectively to employ a fiscal agent to issue and sell consolidated obligations.[7] In 1948, the FHLBB promulgated a regulation that created the Office of the Fiscal Agent of the Banks within the Bank System to facilitate the issuance of COs.[8]

In 1972, the FHLBB promulgated a regulation that merged the Office of System Finance with the Office of Fiscal Agent and created the OF as a Joint Bank System office. *See* 37 FR 16864 (Aug. 22, 1972) (codified at 12 CFR 522.80–82) (repealed). The regulation provided for the OF to perform any ''function, duty or authority'' previously vested in the Fiscal Agent. In addition to issuing COs under the delegated authority of the FHLBB and servicing the debt as a fiscal agent of the Banks, the OF was required to perform other duties as requested by a Bank or Banks, or the FHLBB. During the 1980's, those duties included purchasing investment securities on behalf of the Banks, researching alternative investment vehicles and strategies and managing assets acquired by the FSLIC.

As a part of the amendments to the Bank Act made by FIRREA, the existing joint or collective offices of the Bank System other than the OF were abolished, and the FHLBB regulation governing the OF was transferred to the Finance Board's regulations. *See* 12 U.S.C. 1422b(b)(2); 12 CFR 932.56(a)(3) (repealed). The Finance Board reorganized the OF as fiscal agent of the Finance Board in issuing COs under section 11(c) of the Bank Act. *See* 57 FR 2832 (Jan. 24, 1992); 57 FR 11429 (Apr. 3, 1992) (codified at 12 CFR 941.9(b)(1)). The rule instituted a three-member Board of Directors for the oversight of the management of the OF, executing daily operations and implementing the Board of Directors plans and policies.[9]

B. Consolidated Obligations

The Bank Act always has authorized the Banks to issue debt, and empowered the regulator to issue rules, regulations and orders governing virtually every aspect of a Bank's debt issuance.[10] Under the original statutory scheme, the Banks were jointly and severally liable for the debt of any Bank.[11] In 1934,

[7] In 1934, Section 503 of the National Housing Act of 1934 amended section 11 of the Bank Act to provide authority to the FHLBB to issue COs on which the Banks are jointly and severally liable under sections 11(b) and (c) of the Bank Act (12 U.S.C. 1431(b) and (c)). *See* H.R. 9680, 73rd Cong., 2d. Sess. (Pub. No. 479) (enacted). The contractual duties of the Fiscal Agent expanded to include managing the Banks' investment portfolios.

[8] *See* 13 FR 7447 and 8269 (1948) (*codified at* 24 CFR 122.80 (1949)) (repealed). The regulation provided for the appointment of the Fiscal Agent, and expanded the duties of the Fiscal Agent to include the sale and purchase of Bank System securities. After the Federal Home Loan Mortgage Corporation (Freddie Mac) was created in 1970, the FHLBB created an Office of System Finance (as a separate Bank System office) to manage Freddie Mac's investment portfolios and reserves with those of the Federal Savings and Loan Insurance Corporation (FSLIC) in coordination with the Office of Fiscal Agent. The Banks since had ceased having the OF perform investment services on their behalf.

[9] From 1972 to 1992, the OF was headed by a Director. *See* 12 CFR 932.55 (1992) (repealed). Following the reorganization, the OF Board of Directors consists of two Bank presidents and one private citizen, all appointed by the Finance Board.

[10] As originally enacted in 1932, section 11(a) permitted the Banks to issue debt. It provided that ''Each Federal Home Loan Bank shall have power, subject to the approval of the Board, * * * to issue bonds and debentures having such maturities as may be determined by the board, secured by the transfer of eligible obligations of borrowing institutions on advances made by the bank to borrowing institutions and by the deposit of home mortgages.'' Sec. 11, c. 522, 47 Stat. 733 (July 22, 1932).

[11] Section 11(f) mandated that ''the Federal Home Loan Banks shall be jointly and severally liable for the payment when due of all bonds and debentures, and of notes and other obligations issued by any Federal Home Loan Bank.'' Various provisions in section 11 required the Board to prescribe rules and regulations governing the issuance and security for the bonds, notes or debentures, and set requirements for the security for the Banks' debt. Section 11(f) also specified that the Banks were permitted to make agreements to ensure the payment of such obligations, so long as the agreements did not restrict in any way the Banks'

section 503 of the National Housing Act[12] amended section 11 of the Bank Act (1934 amendments) to give the Bank System more ready access to the capital markets, and authorized the FHLBB to issue consolidated obligations on which the Banks would be jointly and severally liable. 12 U.S.C. 1431(b) and (c). Certain constraints on the Banks' power to issue debt were eliminated by the 1934 amendments: the requirement that security deposits be not less than 190 percent of any consolidated issue was replaced by provisions limiting consolidated debentures issued by the FHLBB under section 11(b) to 5 times paid in capital. The 1934 amendments also replaced the requirement in section 11(f) that all Banks would be jointly and severally liable for obligations issued by any Bank, as well as the proviso, with the more broadly drawn requirements in section (a), that the Banks' power to issue debt ''upon such terms and conditions as the Board may approve'' is ''subject to the rules and regulations prescribed by the Board.'' Thus, the 1934 revisions to section 11 of the Bank Act gave broad authority to the Banks' regulator to determine the terms and conditions for the issuance of obligations on which the Banks would be liable.

In 1989, Congress authorized the Finance Board to maintain the OF, a joint office of the Banks, and to delegate to the OF the ministerial functions associated with issuance of COs. *See* 12 U.S.C. 1422b(b)(1) and (2). Accordingly, the Finance Board delegated to the OF the authority to issue COs under section 11 of the Bank Act subject to Finance Board regulations, resolutions or policies. *See* 12 CFR 900.30.

The issuance of COs is governed by part 910 of the Finance Board's regulations (12 CFR part 910), the FMP and an annual debt authorization. The operations of the OF are governed by part 941 of the Finance Board's regulations (12 CFR part 941). The Finance Board's regulations and the FMP provide for a leverage limit on the issuance COs. Section 910.1(b) prohibits the issuance of senior bonds where immediately following such issuance the aggregate amount of senior bonds and unsecured senior liabilities would exceed 20 times the total paid-in capital stock, retained earnings and reserves (exclusive of loss and deposit reserves required pursuant to section 1431(g)) of all of the Banks). *See* 12 CFR 910.1(b).[13] Additionally, Finance Board regulations require the Banks to maintain certain assets at all times free of lien or pledge (the negative pledge requirement) to ensure sufficient collateralization of the consolidated obligations.[14]

C. FMP

The FMP generally provides a framework within which the Banks may implement their financial management strategies in a prudent and responsible manner. Specifically, the FMP identifies the types of investments the Banks may purchase pursuant to their statutory investment authority. The FMP also includes a series of guidelines relating to the funding and hedging practices of the Banks, as well as to the management of their credit, interest-rate and liquidity risks, and establishes liquidity requirements in addition to those required by statute, as noted above. *See* FMP secs. III–IV.

The FMP evolved from a series of policies and guidelines initially adopted by the FHLBB in the 1970s and revised a number of times thereafter. The Finance Board adopted the FMP in 1991, consolidating into one document the previously separate policies on funds management, hedging and interest rate swap, and adding new guidelines on management of unsecured credit and interest-rate risks.

III. Analysis of Proposed Rule

A. Overview

The proposed rule would amend parts 910 and 941 of the Finance Board's regulations governing operation of the OF and issuance of COs, to enable the OF to issue debt on behalf of the Banks pursuant to section 11(a) of the Bank Act, require the OF to prepare the quarterly and annual combined financial reports of the Bank System, and provide services at the request of two or more Banks related to joint asset activities undertaken by the requesting Banks, including the administration of Member Mortgage Asset programs and liquidity management. With the additional functions and operational capacity established for the OF under the proposed rule, the Banks will have the ability to make the most efficient use of the OF and its services and thereby to maximize mission achievement as they develop new joint asset activities.

B. Amendments to 12 CFR 900.30

The proposed rule would amend § 900.30 of the Finance Board regulations to provide for the termination as of December 31, 2000, of the OF's authority to act as agent for the Finance Board in the issuance of COs under section 11(c) of the Bank Act. By this provision, the Finance Board intends to transition itself out of, and the Banks into, the debt issuance function under the provisions of section 11(a) of the Bank Act as soon as practicable.

C. CO Issuance—Proposed Amendments to Part 910

1. Definitions

The proposed rule would delete §§ 910.0(a) and (b), the definitions of the terms ''Board'' and ''Bank,'' which have been proposed to be defined for all Finance Board regulations in a previous rulemaking, *see* 64 FR 52148 (Sept. 27, 1999), and the definition of the term ''unsecured senior liabilities'' in § 910.0(d). The proposed rule would amend the definition of the term ''consolidated obligation'' to clarify that it includes bonds, notes or debentures issued by the Banks through the OF under section 11(a) of the Bank Act. The proposed rule also would add a new § 910.1(b) to define the term ''Nationally Recognized Statistical Rating Organizations.''

2. Section 910.2

Proposed § 910.2(a) sets forth the types of liabilities authorized for Bank business operations. It is intended to be an exclusive list and the Banks' sole liability authority, replacing the

joint and several liability. Section 11(f), however, contained a limited proviso permitting a Bank independently to borrow ''temporarily,'' if the Bank clearly disclosed that the liability was limited to it as the sole issuer, and obtained the express approval of the FHLBB. *See* id.

[12] Pub. L. 479, c. 847, sec. 503, 48 Stat. 1261 (Jun. 27, 1934).

[13] The following definitions apply to the leverage limit provisions: '' (b) 'consolidated bonds'' means bonds or notes issued on behalf of all Banks;'' ''(c) 'senior bonds'' means consolidated bonds issued pursuant to 12 U.S.C. 1431 and this part and not defeased, other than bonds specifically subordinated to any then outstanding consolidated bonds;'' ''(d) 'unsecured, senior liabilities'' means all obligations of the Banks recognized as a liability under Generally Accepted Accounting Principles, except (1) liabilities that are covered by a perfected security interest; (2) consolidated bonds; (3) bonds issued pursuant to 12 U.S.C. 1431(a); and (4) allowances for losses for off-balance sheet obligations.'' 12 CFR 910.0(b)–(d) (1999).

[14] The ''negative pledge requirement'' is the regulatory requirement that the Banks maintain certain types of unpledged assets in an amount equal to the amount of the Bank's senior bonds outstanding. *See* 12 CFR 910.1(c) (1999). Section 910.1(c) provides in pertinent part:

The Banks shall at all times maintain assets of the following types, free from any lien or pledge, in a total amount at least equal to the amount of senior bonds outstanding: (1) Cash; (2) Obligations of or fully guaranteed by the United States; (3) Secured advances; (4) Mortgages as to which one or more Banks have any guaranty or insurance, or commitment thereof, by the United States or any agency thereof; (5) Investments described in section 16(a) of the Bank Act, as amended (12 U.S.C. 1436(a)); and (6) Other securities which have been assigned a rating or assessment by a major nationally recognized securities rating agency that is equivalent to or higher than the rating or assessment assigned by such agency or senior bonds outstanding. (Proviso omitted).

Funding Guidelines section of the FMP. The Funding Guidelines of the FMP, which set forth the parameters for the use by the Banks of alternative sources and structures in funding their activities, are proposed to be deleted in a separate notice published elsewhere in this **Federal Register**, *See* FMP sec. IV. The Funding Guidelines differentiate between Bank specific liabilities and COs, which are the joint-and-several liabilities of the Banks. *See id.* at secs. IV.B. and C.

Under the FMP, authorized Bank specific liabilities generally include: (1) Deposits from members, from any institution for which a Bank is providing correspondent services, from another Bank, and from other instrumentalities of the United States; (2) federal funds purchased from any financial institution that participates in the federal funds market; and (3) repurchase agreements, with the provision that those requiring the delivery of collateral by a Bank may be only with Federal Reserve Banks, U.S. government sponsored agencies and instrumentalities, primary dealers recognized by the Federal Reserve Bank of New York, eligible financial institutions,[15] and states and municipalities with a Moody's Investment Grade rating of 1 or 2.

The FMP also prohibits a Bank from directly placing COs with another Bank. *See id.* at sec. IV.C.4.

The proposed rule would incorporate certain provisions of section IV of the FMP into regulation. Proposed § 910.2(a)(1) sets forth each Bank's authority to act as a joint-and-several obligor with other Banks on COs, as authorized under part 910. Proposed § 910.2(a)(2) continues each Bank's authority to accept deposits from members, other Banks and instrumentalities of the United States, but provides that the deposit transaction may not be conducted in such a way as to result in the offer or sale of a security in a public offering as those terms are used in 15 U.S.C. 77b(3). In addition, recognizing the importance of federal funds and repurchase agreements for the Banks' liquidity management, proposed § 910.2(a)(3) allows a Bank to purchase federal funds and enter into repurchase agreements, but only in order to satisfy the Banks' short-term liquidity needs.

Proposed § 910.2(b) would retain the substance of existing § 910.1(a) concerning COs to be issued by the Finance Board through the OF, but would expressly provide that the Finance Board may terminate the delegation of authority to the OF to issue COs on behalf of the Finance Board pursuant to section 11(c) of the Bank Act. Proposed § 910.2(b) and (c) continue the existing prohibition on directly placing COs with another Bank. It is the opinion of the Finance Board that such placements do not further the mission of the Bank System. Proposed § 910.2(c) would expressly authorize the OF to undertake the issuance of joint Bank debt pursuant to section 11(a) of the Bank Act as COs on which all of the Banks are jointly and severally liable subject to § 910.8, which governs the joint-and-several liability of the Banks on COs issued under section 11(c) of the Bank Act.

The proposed rule does not include the 20-to-1 leverage limit from § 910.1(b) of the existing regulations, or the 20-to-1 leverage limit on each Bank contained in the FMP. Instead, as discussed in detail in the Notice published elsewhere in this issue of the **Federal Register**, the Finance Board is proposing to amend the FMP to require each Bank to have and maintain total capital in an amount equal to at least 4.76 percent of the Bank's total assets.

Neither the elimination of the System-wide leverage limit from the Finance Board's regulations, nor the proposed revision to the leverage limit contained in the FMP, would have any practical effect on the Bank System or its bondholders. The Finance Board, as the regulator of the Banks, would continue to monitor each Bank for compliance with the individual leverage limit included in the FMP. The current FMP prohibits a Bank from participating in COs if such transactions would cause the Bank's liabilities to exceed 20 times the Bank's total capital. The proposed revision to the FMP establishes an equivalent leverage standard, stated as a percentage of assets, which would require each Bank to maintain capital of at least 4.76 percent of its total assets. The imposition of this standard on each Bank will ensure that the Bank System itself stays within the leverage limit, rendering any retention of a Bank System-wide leverage limit unnecessary. Further, the Finance Board notes that with the recent passage of the Gramm-Leach-Bliley Act, Banks will be subject to statutory leverage limits and risk-based capital requirements. When implemented, the new risk-based capital regime will provide an additional safeguard to the Bank System and its bondholders by requiring Banks to hold capital in proportion to the risks they assume.

As discussed above, the Finance Board, by incorporating COs issued by the Banks under section 11(a) of the Bank Act into the definition of the term ''consolidated obligations'' in part 910, intends that the provisions of § 910.8 pertaining to the joint-and-several liability of the Banks on COs shall apply to such debt because it enhances investor confidence in Bank System debt, and promotes the liquidity of the bonds.

Proposed § 910.2(d) amends existing § 910.1(c), the negative pledge requirement, by requiring each Bank to at all times maintain the assets listed in an amount at least equal to the Bank's pro rata share of the outstanding COs issued by the OF on behalf of the Finance Board under section 11(c) *and* the COs issued by the OF on behalf of the Banks under section 11(a) in which the Bank participated for purposes of the negative pledge requirement. The proposed rule retains the negative pledge requirement for debt previously issued by the OF on behalf of the Finance Board under section 11(c), and expressly requires each Bank to maintain the specified assets free of pledge in an amount equal to the Bank's pro rata share in COs issued by the OF on behalf of the Banks under section 11(a) in which the Bank participated. In connection with these proposed amendments, it is the intention of the Finance Board to preserve the existence of the special asset accounts at the Banks established when the leverage limit in current part 910 was raised in 1992 from 12-to-1 to 20-to-1. *See* Finance Board Res. No. 92–751 (Dec. 21, 1992). The Finance Board has maintained these requirements in the proposal to cause the least amount of change possible to the current structure and thereby avoid disruptions of the market. The Finance Board invites comment on this provision.

3. Sections 910.3 Through 910.7

Sections 910.3 through 910.6 are retained, as amended, by substituting ''Finance Board'' for ''Board,'' ''Bank'' for ''Federal home Loan Bank,'' and ''consolidated obligation'' for ''consolidated bond.'' Current § 910.6(b)(2), which purports to impose limitations on the Finance Board's ability to change the leverage limit provision in current § 910.6(b), provides that current § 910.1(b) may be changed by the Finance Board if the Finance Board receives either: (1) Written

[15] Eligible financial institutions include banks and Federal Deposit Insurance Corporation (FDIC) insured financial institutions, including U.S. subsidiaries of foreign commercial banks, whose most recently published financial statements exhibit at least $100 million of Tier I (or tangible) capital if the institution is a member of the investing Bank or at least $250 million of tangible capital for all other FDIC-insured institutions, and which have been rated at least a level III institution as defined in section VI.C of the FMP.

evidence from at least one major nationally recognized securities rating agency that the proposed change will not result in the lowering of that rating agency's then-current rating or assessment on senior bonds outstanding or next to be issued; or (2) a written opinion from an investment banking firm that the proposed change would not have a materially adverse effect on the creditworthiness of senior bonds outstanding or next to be issued. While the Finance Board will continue to consult with the ratings agencies to preserve the triple-A rating of Bank System COs, this provision is proposed to be deleted along with the rest of the existing § 910.6.

Proposed § 910.7 provides the conditions under which the OF Board of Directors may authorize the issuance of COs: the OF Board of Directors shall authorize the offering for current and forward settlement (not to exceed 12 months) or the reopening of COs as necessary and authorize the maturities, rates of interest, terms and conditions (subject to the provisions of 31 U.S.C. 9108) under certain conditions, including the restriction that COs may be offered for sale only to the extent that the Banks are committed to take the proceeds, the OF Board of Directors shall implement investor suitability standards and adopt a policy addressing the relationship between the Banks and their members as debt issuers.

D. Powers, Duties, Responsibilities and Functions of the OF—Amendments to Part 941

1. Section 941.1—Definitions

The definitions in § 941.1 are proposed to be revised as follows: the term ''Office of Finance'' becomes ''OF'' in the heading and is added as a defined term; the term ''OF Board of Directors'' is revised to mean the 24 member administrative body responsible for the oversight of management of the OF; the terms ''Chief Executive Officer'' and ''OF Operations Imprest Fund'' are added as new defined terms. The definition of the term ''consolidated obligation'' is made consistent with the proposed definition in § 910.1(a). The definitions of the terms ''Finance Board,'' ''Bank,'' and ''Bank Act'' which have been proposed to be defined for all Finance Board regulations in a previous rulemaking, *see* 64 FR 52148 (Sept. 27, 1999), and the definition of the term ''Director'' are deleted.

2. Section 941.2—Powers and Responsibilities of the OF

Proposed § 941.2(a) states that the OF is a joint office of the Banks under section 2B of the Bank Act. *See* 12 U.S.C. 1422b(b)(2). Proposed § 941.2(b) sets out the broadened purpose of the OF: to facilitate the accomplishment of the mission of the Banks as set forth in section 2A of the Bank Act. *Id.* 1422a(3)(A)(ii) and (iii). As a part of its purpose to further the mission of the Banks, proposed § 941.2(b)(1) expressly provides that the OF shall issue COs on which the Banks shall be jointly and severally liable, on behalf of the Banks and the Finance Board under sections 11(a) and 11(c) of the Bank Act, respectively. *Id.* 1431(a) and (c). The second prong of the OF's purpose is to support the Banks upon the request of two or more Banks undertaking joint asset activities that the Banks are otherwise authorized by law to undertake individually.

Proposed § 941.2(c) sets out the functions the OF is authorized to undertake in support of the issuance of debt and the support to be provided to Banks engaged in joint asset activities. Proposed § 941.2(c)(1) contains the specific parameters related to issuance and servicing of COs: conducting negotiations relating to the offering and sale of COs and other obligations of the Banks, and promoting market discipline and making timely payments on the COs. Proposed § 941.2(c)(1)(iii) requires the OF to offer, issue and service COs effectively and at the lowest all-in funding costs over time, with due regard for prudent risk-management practices, prudential debt parameters, short-and long-term market conditions, the cooperative nature of the Bank System, and the Banks' role as government-sponsored enterprises. The proposed rule further provides that such debt shall be issued consistent with maintaining reliable access to the short-term and long-term capital markets, by positioning the issuance of debt to take advantage of current and future capital market opportunities, and requires the OF to define and maintain appropriate investor suitability standards. In considering the cooperative nature of the Bank System, the OF specifically must take into account the relationship between the Banks as debt issuers, and the members of the Bank System as retail issuers of debt, such as certificates of deposit, and the potential for competition between the Banks and their members.

As discussed, the OF currently issues debt on behalf of the Finance Board. The Finance Board annually adopts a debt-issuance authorization to the OF that includes parameters to which the debt must conform. If the Banks are authorized to issue joint debt under section 11(a) of the Bank Act, as proposed, the annual Finance Board authorization, including the parameters to which debt must conform, would no longer be required. However, the Finance Board continues to be responsible for ensuring that the Banks are able to raise funds in the capital markets. *See* 12 U.S.C. 1422a(a)(3)(B)(iii). Accordingly, the proposed rule requires the OF Board of Directors to implement policies to access debt markets according to an efficient and managed process that establishes prudent debt parameters and risk-management practices. In particular, this will involve establishing policies that may temporarily prevent a Bank from accessing the capital markets or prevent a Bank from issuing a specific type of security. In addition, the proposed rule requires the OF to adopt, implement and maintain investor suitability standards.

As a part of its CO issuance function, proposed § 941.2(c) would assign to the OF the function of preparing the combined Bank System annual and quarterly financial reports (financial reports). Proposed § 941.2(c)(1)(iv) would codify current Finance Board policy (Finance Board Res. No. 98–27 (June 24, 1998)) and set forth the standards under which the OF must prepare the financial reports, including requiring that the scope, form and content of the disclosure contained in such financial reports generally be consistent with the requirements of the SEC's Regulations S–K (specific narrative disclosure requirements) and S–X (accounting and financial statement disclosure requirements) (17 CFR parts 229 and 210) and be presented in accordance with the Statement Of Financial Accounting Standards No. 131, ''Disclosures about Segments of an Enterprise and Related Information'' (FAS 131). While the FAS 131 standard only applies to public business enterprises, and not, therefore, to a government-sponsored enterprise such as the Bank System, the Finance Board continues to believe that presentations resulting from compliance with FAS 131, with each Bank presented as a separate segment, provide useful information to bondholders and Bank members.

Proposed § 941.2(c)(1)(iv)(C) references an Appendix to the proposed rule that lists exceptions to the standards set forth in § 941.2(c)(1)(iv)(A) and (B). These exceptions stem from the Finance Board's belief that the general standards may include disclosure requirements that are inapplicable to, or inappropriate for, the Bank System. The list of exceptions is similar to that contained in the Finance Board's Policy

Statement, and includes certain disclosures concerning related-party transactions, biographical information, compensation, submission of matters to a vote of shareholders, exhibits, per-share information and beneficial ownership. Exceptions relating to derivatives and the filing schedule for financial reports that are included in the Finance Board's Policy Statement have been omitted from the Appendix since the Finance Board intends the SEC standard to be met in each case. The Appendix also expands the list of persons required to provide biographical information to include members of the OF Board of Directors, in recognition of the increased role assigned to that body by the proposed reorganization of the OF.

References to the ''managing director of the OF'' in the Policy Statement have been changed to the ''Chief Financial Officer of the OF'' in the Appendix.

Proposed § 941.2(c)(1)(iv)(D) provides that the OF will file and distribute combined Bank System financial reports according to a schedule that mirrors the filing requirements applicable to corporate registrants under the 1934 Act (*i.e.,* annual reports within 90 days after the end of the fiscal year and quarterly reports within 45 days after the end of each of the first three fiscal quarters). The Finance Board believes that, just as disclosure concerning the Bank System should conform to industry standards, so too should the Bank System provide that information to interested parties within the timeframes applicable in the industry. Proposed § 941.2(c)(1)(iv)(D) would require the OF to distribute financial reports to each Bank member according to the same schedule to ensure prompt dissemination of relevant information. Proposed § 941.2(c)(1)(iv)(E) expressly confirms the Finance Board's sole authority to determine compliance with the standards of part 941, while proposed § 941.2(c)(1)(iv)(F) provides an explicit compliance mechanism by requiring the OF to promptly comply with any Finance Board directive pertaining to the preparation, filing, amendment or distribution of financial reports.

Proposed §§ 941.2(c)(1)(v), (vi) and (vii) obligate the OF to stay informed on issues and developments relating to capital markets and COs, and to pass relevant information along to the Banks. Proposed § 941.2(c)(1)(v) expressly requires the OF to provide capital markets information concerning debt to the Banks. Proposed § 941.2(c)(1)(vi) provides that the OF shall manage relationships with Nationally Recognized Statistical Rating Organizations (NRSROs) in connection with the NRSRO's ratings of COs, while § 941.2(c)(1)(vii) allows the OF to conduct research reasonably related to the issuance or servicing of COs. These functions are intended to allow the OF to serve as a centralized repository for information supporting the issuance of COs for the benefit of the Bank System.

3. Joint Asset Activity Management

The Finance Board has determined that the Banks have incidental and investment authority to undertake certain lending programs with their members whereby a Bank may purchase or fund mortgages originated by members, subject to certain conditions. On October 4, 1999, the Finance Board adopted Resolution Number 99–50, which authorized the Banks to ''establish and operate Member Mortgage Assets programs, a generic designation for programs that efficiently allocate mortgage risks so as to best use the core competencies of the entities involved, provide appropriate capital treatment to the participating financial institution members, and provide capital market funding and risk management alternatives, all for the ultimate benefit of consumers.'' *See* Finance Board Res. No. 99–50 (Oct. 4, 1999); *see also* 64 FR 60448 (Nov. 5, 1999). Finance Board Resolution Number 99–50 also includes the terms and conditions applicable to the operation of member mortgage assets programs. *See* Finance Board Res. No. 99–50 at 2.

These are not the only potential joint asset activities that the Banks may choose to conduct. Certain advance participation programs or investments, liquidity management and investments in housing finance agency bonds present potential for joint activity among the Banks.

Any joint asset activities in which the Banks may engage may be most efficiently administered on a joint basis through a central facility. Administering joint assets through a centralized facility offers the added safety and soundness benefits of better risk-management capabilities and geographic diversity in the portfolio. The latter is particularly important given the national nature of the mortgage markets. This is an issue the Finance Board will continue to study as this product develops and business therein increases.

Proposed § 941.2(c)(2) is intended to authorize the OF, as the only statutorily recognized joint office of the Banks, to operate in the above capacity. It provides that, to the extent requested by two or more Banks pursuant to any agreement or contract, the OF shall facilitate or provide services to the Banks in connection with any Bank joint asset activities authorized by law. With regard to the joint asset activities of the Banks, the OF would be required to provide administrative and technical support for the origination, purchase, management, servicing or sale of any asset owned by one or more Banks pursuant to any contract, including member mortgage assets; provide market information to the Banks concerning member mortgage assets and other assets or investments of the Banks; conduct and provide research on such assets and investments; develop effective systems to monitor credit exposure and manage counter-party risk; adopt procedures to assist the Banks in managing their liquidity; and adopt procedures to facilitate the inter-Bank sale of participation interests in advances and investments. This section does not require the Banks to make use of the OF in this capacity, but it does require the OF to provide the services outlined if two or more Banks wish the OF to do so. The OF may, of course, establish a reasonable fee structure or charge for its services by contract or otherwise. It also may mediate among competing Bank demands, in accordance with its specified duties and responsibilities.

Proposed § 941.2(c)(3) provides that, in accordance with policies and procedures established by the OF Board of Directors, the OF shall perform such duties and responsibilities for the Financing Corporation (FICO) or the Resolution Funding Corporation (REFCorp) on behalf of the Banks, as may be required. This section preserves a current function of the OF as set forth in § 941.5(b).

Proposed § 941.2(d) provides that the OF may contract with a Bank or Banks for the use of Bank facilities or personnel in order to perform its functions, which is currently set forth in § 941.7(b).

4. Finance Board Oversight

Proposed § 941.3 provides that the Finance Board shall retain the same regulatory oversight authority and enforcement powers over the OF, the OF Board of Directors, the directors, officers, employees, agents, attorneys, accountants or other OF staff, as it has over a Bank and its respective board members, officers, employees, attorneys, accountants, agents or other staff, which is broader than the existing provision. The proposed rule deletes § 941.3(a), which states that the activities of the OF are subject to the approval of the Finance Board. The Finance Board believes that § 941.3 should be amended to expressly state the Finance Board's

supervisory role in the proposed expanded functions of the OF. Additionally, the proposed rule states that, pursuant to Section 20 of the Bank Act, 12 U.S.C. 1440, the Finance Board shall examine the OF, all funds and accounts that may be established pursuant to this part, and the operations and activities of the OF, as provided for in the Bank Act or any regulations promulgated pursuant thereto. This is somewhat broader in scope than the provisions of existing § 941.3.

E. Organizational Structure—Amendments to Part 941

1. Section 941.4—the OF Board of Directors

Current § 941.7(c) establishes an OF board of directors composed of three members, two Bank presidents and one private citizen with demonstrated expertise in financial markets, all appointed by the Finance Board. This structure has served the OF and the Bank System while the OF's only functions have been to issue COs on behalf of the Finance Board and make CO principal and interest payments when due on behalf of the Banks. The proposed rule contemplates that the OF will undertake additional, varied responsibilities that would require broader oversight by a board of directors possessing a wide range of financial sector credentials. Accordingly, proposed § 941.4(a) would change the size and composition of the OF Board of Directors to reflect the proposed expanded duties and functions of the OF. As revised, the OF Board of Directors would consist of 24 individuals, 6 of whom would be appointed by the Finance Board, 6 of whom would be elected by Bank System members, and 12 of whom would be appointed by the Banks. The Finance Board acknowledges that the size of the proposed OF Board of Directors may seem unwieldy to some. The ratio and balance among Bank representatives, System representatives and representatives of the public is the principle most important to the Finance Board in this provision. The quest to achieve the proper balance while providing every Bank a seat and a role for members and the public on the OF Board of Directors, leads to the number proposed. The Finance Board seeks comment on and suggestions for alternative structures that might be more workable in terms of number that that would still maintain the appropriate mix and balance of representation on the OF Board of Directors. For instance, if less than 12 Banks were to be represented on the OF Board of Directors at any one time, the regulation could provide for rotating Bank representation, or the elimination of the requirement for an Executive Committee.

Under proposed § 941.4(a)(1), directors appointed by the Finance Board would have to be U.S. citizens with demonstrated experience in financial markets or asset management, and could not be affiliated with any Bank or broker-dealer under contract with the OF. The proposed rule establishes no other eligibility criteria for Finance Board appointees to the OF Board. This differs from the appointment standards for public interest directors of the Banks, which require that two out of six Finance Board appointees represent consumer or community interest organizations, and prohibit any Finance Board appointee from serving as an officer of a Bank, or as an officer or director of any member of a Bank, or from holding shares or any other financial interest in any member, during his or her tenure as a Bank director. *See* 12 U.S.C. 1427(a). The absence of such restrictions for OF Board appointees in the proposed rule is intended to provide the Finance Board with maximum flexibility in selecting persons it believes would best assist the OF in fulfilling its mission. However, the Finance Board seeks comment on whether the qualifications and restrictions applicable to appointed Bank directors, or any others, should be included in the proposed rule for Finance Board appointees to the OF Board.

Under proposed § 941.4(a)(2), a director appointed by a Bank must be an officer, employee, or director of the Bank. Pursuant to proposed § 941.4(a)(3), Bank System members would elect six directors (two each year) through annual elections conducted by the OF. Under proposed § 941.4(a)(3)(i), to be eligible for a directorship, nominees of members would have to be U.S. citizens with demonstrated experience in financial markets or asset management, and could not be associated with a broker-dealer under contract with the OF. A Bank System member and its affiliates could not have more than one representative on the OF Board of Directors at any time.

Proposed § 941.4(a)(3)(ii) provides that each member of the Bank System is entitled to nominate an eligible person for service on the OF Board in each annual election. From such nominees, two member-elected directorships would be filled each year by a plurality vote of Bank System members. Each member would be permitted to cast a number of votes equal to the number of shares of stock in such Bank the member held at the end of the calendar year preceding the election, without any limitation, including limits that would apply to voting in director elections under section 7(b) of the Bank Act. *See* 12 U.S.C. 1427(b). Under proposed § 941.4(a)(3)(iii), the OF would prepare nomination forms and transmit them to Bank System members no later than March 1st of the election year. The nomination forms would state the director eligibility requirements and restrictions. Members would have not less than 30 calendar days to submit the nomination forms to the OF, which would create acceptance and certification of eligibility forms and provide them to the nominees no later than May 1st of the election year. The nominees would have 30 days to accept or decline the nomination and provide the written eligibility certification to the OF.

Under proposed § 941.4(a)(3)(iv), the OF would prepare a ballot for the OF Board of Directors election to be used in each Bank district based on the acceptance and certification forms, and provide the ballot to the Banks not later than July 1st of the election year. The Banks would be required to transmit the ballot to their members with the election ballots for the election of the Banks' respective boards of directors. Bank System members would have a minimum of 30 days to vote and return the OF Board of Directors election ballot to the OF. The OF would tabulate the ballots and announce the slate of the OF Board of Directors no later than November 1st of the election year.

Proposed § 941.4(b) provides that the directors' terms would be three years, and that initial terms would be staggered so that ⅓ of the terms expire each year. Under proposed § 941.4(c), appointed directorship vacancies would be filled in the manner in which the appointment was originally made, while elected directorship vacancies would be filled by majority vote of the remaining OF Board of Directors. A director appointed or elected to fill a vacancy would serve the remainder of the original term. Proposed § 941.4(d), which sets forth the means of selection and duties of the Chair and Vice Chair of the OF Board of Directors, contains all of the substantive provisions of current § 941.7(e).

Proposed § 941.4(e), ''Compensation,'' replaces the multiple provisions of current § 941.7(f) with a single standard that permits members of the OF Board of Directors to receive compensation and reimbursement for expenses incurred as a result of their service on the OF Board of Directors.

Proposed § 941.4(f) is a new section that requires the OF Board of Directors to establish an audit committee consistent with the requirements set forth in part 917 (which is being proposed in a separate notice of proposed rulemaking); an executive committee comprised of member-elected directors, Bank-appointed directors, and Finance Board-appointed directors, each represented in the same proportions as they are on the full OF Board of Directors; and a committee to coordinate the issuance and servicing of COs under part 910. The proposed rule provides authority for the OF Board of Directors to establish additional committees as necessary and appropriate to carry out the Board's duties and responsibilities. Additionally, the OF Board of Directors is required to promulgate policies and define respective roles and duties of any committees so established, which shall be binding upon such committees.

Proposed § 941.4(g) is a new section that sets the quorum requirement for meetings of the OF Board of Directors and meetings of committees of the OF Board of Directors at a simple majority of the total directorships on the OF Board of Directors or the committee.

2. Section 941.5—Powers of the OF Board of Directors

Proposed § 941.5, ''Powers of the OF board of directors,'' incorporates and revises the provisions of current § 941.8. As is true in § 941.8(a) of the current rule, proposed § 941.5(a) provides that the OF Board of Directors shall have the incidental powers under section 12(a) of the Bank Act as are necessary, convenient and proper to accomplish the efficient operation and management of the OF. Also, as is true under § 941.8(b) of the current rule, proposed § 941.5(b) expressly empowers the OF Board of Directors to act as the agent of the Finance Board in issuing COs pursuant to section 11(c) of the Bank Act. It also empowers the OF Board of Directors to act as agent for the Banks in issuing COs pursuant to section 11(a) of the Bank Act and in making principal and interest payments on COs issued by either entity.

Proposed § 941.5(c) preserves the authority of the OF Board of Directors to delegate powers to OF staff to carry out OF functions, and proposed § 941.5(d) retains the indemnification powers currently provided in § 941.8(d).

3. Section 941.6—Duties of the OF Board of Directors

Proposed § 941.6, ''Duties of the OF board of directors'' would substantially revise the provisions of current § 941.9. Proposed § 941.6(a) retains intact the provisions of current § 941.9(a), which provides that the OF Board of Directors shall adopt bylaws, consistent with applicable laws and regulations as administered by the Finance Board, governing its operation and issue such guidance or instruction as will promote the efficient operation of the OF and that the OF Board of Directors shall conduct its business by majority vote of its members convened at a meeting in accordance with its bylaws.

Proposed § 941.6(b) enumerates the oversight responsibilities of the OF Board of Directors. Importantly, proposed § 941.6(b)(2) requires the OF Board of Directors to set policies for management of the OF, in particular a policy in connection with the issuance of debt that would take into account the cooperative nature of the Bank System, and the relationship of the Banks as issuers of debt to their members as issuers of debt. Proposed § 941.6(b) also requires the OF Board of Directors to be responsible for the conduct and performance of all duties, functions, operations and activities of the OF and for its efficient and effective operation; approve a strategic business plan for the OF and monitor the progress of its operations under such plan; review, adopt, and monitor the annual operating budget of the OF including any supplemental expenditure thereto; provide oversight for the OF Board of Directors committee charged with directing the issuance of COs; develop and implement the pricing mechanism by which the OF will make private or public offerings of COs, subject to the requirements of part 910; select, employ and define the duties of a Chief Executive Officer of the OF (CEO), provided that the CEO, or his designee, shall be the Fiscal Agent of the Banks, a member of the Directorate of the Financing Corporation, pursuant to section 21(b)(1)(A) of the Bank Act, 12 U.S.C. 1441(b)(1)(A), and a member of the Directorate of the Resolution Funding Corporation, pursuant to section 21B(c)(1)(A) of the Bank Act, 12 U.S.C. 1441b(c)(1)(A). Additionally, the OF Board of Directors would be required to approve all contracts of the OF, and assume any other responsibilities that may from time to time be delegated to it by the Finance Board. The proposed rule also expressly provides that the OF Board of Directors would be subject to and required to operate in accordance with Finance Board policies and regulations applicable to the boards of directors of the Banks, including proposed part 917.

Proposed § 941.7 incorporates and revises the provisions of current § 941.11. It retains the requirement of current § 941.11(f) that the Banks are responsible for jointly funding the OF. Under the proposed rule, at the direction of and pursuant to policies and procedures adopted by the OF Board of Directors, the Banks are required periodically to reimburse the OF Operations Imprest Fund to maintain in such fund an amount approved by the OF Board of Directors sufficient to fund the operations of the OF under a budget approved by the OF Board of Directors. Each Bank's respective *pro rata* share of the reimbursement must be based on the ratio of the total paid-in value of its capital stock relative to the total paid-in value of all capital stock in the Bank System. The proposed rule provides new authority for the OF Board of Directors, with the prior approval of the Finance Board, to devise an alternative formula for determining each Bank's respective share of the OF expenses or, by contract with a Bank or Banks, may choose to be reimbursed through a fee structure in lieu of or in addition to assessment, for services provided to the Bank or Banks for the issuance or servicing of COs or the management and administration of joint asset activities.

Proposed § 941.8 retains the savings clause contained in current § 941.12, which provides that all actions taken by the OF as it existed prior to these amendments will continue to be valid as regards the Finance Board and the Bank System. The rest of the provisions of current § 941.12 are not included in the proposed rule as they are obsolete and no longer necessary.

IV. Regulatory Flexibility Act

The proposed rule applies only to the Banks, which do not come within the meaning of small entities as defined in the Regulatory Flexibility Act (RFA). *See* 5 U.S.C. 601(6). Therefore, in accordance with section 605(b) of the RFA, 5 U.S.C. 605(b), the Finance Board hereby certifies that this proposed rule, if promulgated as a final rule, will not have significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

This proposed rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 33 U.S.C. 3501 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects

12 CFR Part 900

Organization and functions (Government agencies).

12 CFR Part 910

Banks, Consolidated bonds and debentures, Federal home loan banks, Securities.

12 CFR Part 941

Consolidated bonds and debentures, Federal home loan banks, Organization and functions (Government agencies), Securities.

For the reasons stated in the preamble, the Finance Board proposes to amend 12 CFR parts 900, 910 and 941 as follows:

PART 900—DESCRIPTION OF ORGANIZATION AND FUNCTIONS

1. The authority citation for part 900 continues to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 1422b(a) and 1423.

2. Amend § 900.30 to add a new paragraph (a)(3) to read as follows:

§ 900.30 Office of Finance Board of Directors.

(a) * * *

(3) The authority delegated under paragraphs (a)(1) and (2) of this section expires on December 31, 2000, unless otherwise extended or modified by the Finance Board.

* * * * *

3. Revise part 910 to read as follows:

PART 910—CONSOLIDATED OBLIGATIONS

Sec.

Authority: 12 U.S.C. 1422a, 1422b and 1431.

§ 910.1 Definitions.

For purposes of this part:

(a) *Consolidated obligations* or *CO* means any bond, debenture, or note issued jointly by the Banks pursuant to section 11(a) of the Federal Home Loan Bank Act (Act), as amended (12 U.S.C. 1431(a)), or any bond or note issued by the Finance Board on behalf of all Banks pursuant to section 11(c) of the Act (12 U.S.C. 1431(c)), on which the Banks are by statute or regulation jointly and severally liable.

(b) *NRSRO* means a credit rating organization regarded as a Nationally Recognized Statistical Rating Organization by the Securities and Exchange Commission.

(c) *Senior bonds* means COs issued pursuant to section 11 of the Act and this part and not defeased, other than bonds specifically subordinated to any then outstanding COs.

§ 910.2 Authorized liabilities; Issuance of consolidated obligations.

(a) *Authorized liabilities.* As a source of funds for business operations, each Bank is authorized to incur liabilities only by:

(1) Acting as joint and several obligor with other Banks on consolidated obligations, as authorized under this part;

(2) Accepting time or demand deposits from members or any institution for which the Bank is providing correspondent services, other Banks, and instrumentalities of the United States, so long as the deposit transaction is not conducted in such a way as to result in the offer or sale of a security in a public offering as those terms are used in 15 U.S.C. 77b(3); or

(3) Solely in order to satisfy the Bank's short-term liquidity needs, by:

(i) Purchasing federal funds; and

(ii) Entering into repurchase agreements.

(b) *Consolidated obligations issued by the Finance Board.* The Finance Board may issue consolidated obligations under section 11(c) of the Act (12 U.S.C. 1431(c)), including the determination of the dates of issue, maturities, rates of interest, terms and conditions thereof, and the manner in which such consolidated obligations shall be issued, subject to the provisions of 31 U.S.C. 9108. The Finance Board in its discretion may delegate this responsibility, or terminate such delegation. Consolidated obligations issued under this paragraph shall not be directly placed with any Bank.

(c) *Consolidated obligations issued by the Banks.* (1) Pursuant to the Banks' housing finance mission set forth in section 2A(a)(3)(B)(ii) of the Act (12 U.S.C. 1422a(a)(3)(B)(ii)), pursuant to the Finance Board's duty to ensure that the Banks carry out that mission and remain adequately capitalized and able to raise funds in the capital markets under section 2A(a)(3)(B)(ii) and (iii) of the Act (12 U.S.C. 1422a(a)(3)(B)(ii) and (iii)), and subject to such rules, regulations, terms and conditions as the Finance Board may prescribe, the Banks are authorized to issue joint debt under section 11(a) of the Act (12 U.S.C. 1431(a)), which shall be called consolidated obligations and on which the Banks shall be jointly and severally liable under § 910.7.

(2) Consolidated obligations shall be issued through the Office of Finance, as agent of the Banks pursuant to this part 910.

(3) Consolidated obligations issued under this paragraph (c) shall not be directly placed with any Bank.

(d) *Negative pledge requirement.* Each Bank shall at all times maintain assets described in paragraphs (d)(1) through (d)(6) of this section free from any lien or pledge, in an amount at least equal to a pro rata share of the total amount of currently outstanding consolidated obligations jointly issued by the Banks pursuant to section 11(a) of the Act (12 U.S.C. 1431(a)) and by the Finance Board pursuant to section 11(c) of the Act (12 U.S.C. 1431(c)) equal to such Bank's participation in all such COs outstanding provided that any assets that are subject to a lien or pledge for the benefit of the holders of any issue of consolidated obligations shall be treated as if they were assets free from any lien or pledge for purposes of compliance with this paragraph (d). Eligible assets are:

(1) Cash;

(2) Obligations of or fully guaranteed by the United States;

(3) Secured advances;

(4) Mortgages as to which one or more Banks have any guaranty or insurance, or commitment therefore, by the United States or any agency thereof;

(5) Investments described in section 16(a) of the Act (12 U.S.C. 1436(a)); and

(6) Other securities that have been assigned a rating or assessment by an NRSRO that is equivalent to or higher than the rating or assessment assigned by an NRSRO to consolidated obligations outstanding.

§ 910.3 Form of consolidated obligations.

Consolidated obligations shall be issued in series and all consolidated obligations of the same series shall be of like date, tenor, and effect except as to denominations, which shall be in such amounts as may be authorized by the Finance Board. The Finance Board shall prescribe the form of each consolidated obligation. Consolidated obligations issued with maturities of one year or less may be designated consolidated notes.

§ 910.4 Transactions in consolidated obligations.

The general regulations of the Department of Treasury now or

hereafter in force governing transactions in United States securities, except 31 CFR part 357 regarding book-entry procedure, are hereby incorporated into this part 910, so far as applicable and as necessarily modified to relate to consolidated obligations, as the regulations of the Finance Board for similar transactions on consolidated obligations. The book-entry procedure for consolidated obligations is contained in part 912 of this subchapter.

§ 910.5 Lost, stolen, destroyed, mutilated or defaced consolidated obligations.

United States statutes and regulations of the Department of Treasury now or hereafter in force governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, so far as applicable and as necessarily modified to relate to consolidated obligations, are hereby adopted as the regulations of the Finance Board for the issuance of substitute consolidated obligations or the payment of lost, stolen, destroyed, mutilated or defaced consolidated obligations.

§ 910.6 Administrative provision.

The Secretary of the Treasury or the Acting Secretary of the Treasury is hereby authorized and empowered, as the agent of the Finance Board and the Banks to administer §§ 910.4 and 910.5, and to delegate such authority at their discretion to other officers, employees, and agents of the Department of Treasury. Any such regulations may be waived on behalf of the Finance Board and the Banks by the Secretary of the Treasury or the Acting Secretary of the Treasury or by an officer of the Department of Treasury authorized to waive similar regulations with respect to United States securities, but only in any particular case in which a similar regulation with respect to United States securities would be waived. The terms ''securities'' and ''bonds'' as used in this section shall, unless the context otherwise requires, include and apply to coupons and interim certificates.

§ 910.7 Conditions for issuance of consolidated obligations.

The OF Board of Directors shall authorize the offering for current and forward settlement (up to 12 months) or the reopening of COs, as necessary, and authorize the maturities, rates of interest, terms and conditions thereof, subject to the provisions of 31 U.S.C. 9801 and the following conditions:

(a) COs may be offered for sale only to the extent that Banks are committed to take the proceeds;

(b) The OF Board of Directors shall implement investor suitability standards; and

(c) COs may be offered for sale only pursuant to a policy adopted by the OF Board of Directors that addresses the relationship between the Banks as issuers of debt and their members as issuers of debt.

§ 910.8 Joint and several liability.

(a) *In general.* (1) Each and every Bank, individually and collectively, has an obligation to make full and timely payment of all principal and interest on consolidated obligations when due.

(2) Each and every Bank, individually and collectively, shall ensure that the timely payment of principal and interest on all consolidated obligations is given priority over, and is paid in full in advance of, any payment to or redemption of shares from any shareholder.

(3) The provisions of this part shall not limit, restrict or otherwise diminish, in any manner, the joint and several liability of all of the Banks on all of the consolidated obligations issued by the Finance Board pursuant to section 11(c) of the Bank Act (12 U.S.C. 1431(c) and by one or more Banks pursuant to section 11(a) of the Bank Act (12 U.S.C. 1431(a).

(b) *Certification and reporting.* (1) Before the end of each calendar quarter, and before declaring or paying any dividend for that quarter, the President of each Bank shall certify in writing to the Finance Board that, based on known current facts and financial information, the Bank will remain in compliance with the liquidity requirements set forth in section 11(g) of the Act (12 U.S.C. 1431(g)), and the Finance Board's Financial Management Policy or any regulations, (as the same may be amended, modified or replaced), and will remain capable of making full and timely payment of all of its current obligations, including direct obligations, coming due during the next quarter.

(2) A Bank shall immediately provide written notice to the Finance Board if at any time the Bank:

(i) Is unable to provide the certification required by paragraph (b)(1) of this section;

(ii) Projects at any time that it will fail to comply with statutory or regulatory liquidity requirements, or will be unable to timely and fully meet all of its current obligations, including direct obligations, due during the quarter;

(iii) Actually fails to comply with statutory or regulatory liquidity requirements or to timely and fully meet all of its current obligations, including direct obligations, due during the quarter; or

(iv) Negotiates to enter or enters into an agreement with one or more other Banks to obtain financial assistance to meet its current obligations, including direct obligations, due during the quarter; the notice of which shall be accompanied by a copy of the agreement, which shall be subject to the approval of the Finance Board.

(c) *Consolidated obligation payment plans.* (1) A Bank promptly shall file a consolidated obligation payment plan for Finance Board approval:

(i) If the Bank becomes a non-complying Bank as a result of failing to provide the certification required in paragraph (b)(1) of this section;

(ii) If the Bank becomes a non-complying Bank as a result of being required to provide the notice required pursuant to paragraph (b)(2) of this section, except in the event that a failure to make a principal or interest payment on a consolidated obligation when due was caused solely by a temporary interruption in the Bank's debt servicing operations resulting from an external event such as a natural disaster or a power failure; or

(iii) If the Finance Board determines that the Bank will cease to be in compliance with the statutory or regulatory liquidity requirements, or will lack the capacity to timely and fully meet all of its current obligations, including direct obligations, due during the quarter.

(2) A consolidated obligation payment plan shall specify the measures the non-complying Bank will undertake to make full and timely payments of all of its current obligations, including direct obligations, due during the applicable quarter.

(3) A non-complying Bank may continue to incur and pay normal operating expenses incurred in the regular course of business (including salaries, benefits, or costs of office space, equipment and related expenses), but shall not incur or pay any extraordinary expenses, or declare, or pay dividends, or redeem any capital stock, until such time as the Finance Board has approved the Bank's consolidated obligation payment plan or inter-Bank assistance agreement, or ordered another remedy, and all of the non-complying Bank's direct obligations have been paid.

(d) *Finance Board payment orders; Obligation to reimburse.* (1) The Finance Board, in its discretion and notwithstanding any other provision in this section, may at any time order any Bank to make any principal or interest

payment due on any consolidated obligation.

(2) To the extent that a Bank makes any payment on any consolidated obligation on behalf of another Bank, the paying Bank shall be entitled to reimbursement from the non-complying Bank, which shall have a corresponding obligation to reimburse the Bank providing assistance, to the extent of such payment and other associated costs (including interest to be determined by the Finance Board).

(e) *Adjustment of equities.* (1) Any non-complying Bank shall apply its assets to fulfill its direct obligations.

(2) If a Bank is required to meet, or otherwise meets, the direct obligations of another Bank due to a temporary interruption in the latter Bank's debt servicing operations (*e.g.*, in the event of a natural disaster or power failure), the assisting Bank shall have the same right to reimbursement set forth in paragraph (d)(2) of this section.

(3) If the Finance Board determines that the assets of a non-complying Bank are insufficient to satisfy all of its direct obligations as set forth in paragraph (e)(1) of this section, then the Finance Board may allocate the outstanding liability among the remaining Banks on a *pro rata* basis in proportion to each Bank's participation in all consolidated obligations outstanding as of the end of the most recent month for which the Finance Board has data, or otherwise as the Finance Board may prescribe.

(f) *Reservation of authority.* Nothing in this section shall affect the Finance Board's authority to adjust equities between the Banks in a manner different than the manner described in paragraph (e) of this section, or to take enforcement or other action against any Bank pursuant to the Finance Board's authority under the Act or otherwise to supervise the Banks and ensure that they are operated in a safe and sound manner.

(g) *No rights created.* (1) Nothing in this section shall create or be deemed to create any rights in any third party.

(2) Payments made by a Bank toward the direct obligations of another Bank are made for the sole purpose of discharging the joint and several liability of the Banks on consolidated obligations.

(3) Compliance, or the failure to comply, with any provision in this section shall not be deemed a default under the terms and conditions of the consolidated obligations.

4. Revise part 941 to read as follows:

PART 941—OPERATIONS OF THE OFFICE OF FINANCE

Sec.

Authority: 12 U.S.C. 1422b(a) and 1431.

§ 941.1 Definitions.

For purposes of this part:

(a) *Bank System* means the 12 Banks and the OF.

(b) *Chair* means the Chairperson of the OF Board of Directors.

(c) *Chief Executive Officer* or *CEO* means the Chief Executive Officer of the OF.

(d) *OF* means the Office of Finance.

(e) *OF Board of Directors* means the 24 member administrative body responsible for management of the OF.

(f) *OF Operations Imprest Fund* means the checking account established in a financial depository institution approved by the OF Board of Directors to fund OF operations.

§ 941.2 Powers and responsibilities of the OF.

(a) *Joint office.* The OF is a joint office of the Banks pursuant to section 2B of the Act (12 U.S.C. 1422b(b)(2)).

(b) *Purpose.* The role of the OF is to facilitate the accomplishment of the mission of the Banks set forth in section 2A of the Act (12 U.S.C. 1422a(3)(A)(ii) and (iii)) by:

(1) Exclusively offering, issuing, and servicing consolidated obligations on behalf of the Finance Board pursuant to section 11(c) of the Act (12 U.S.C. 1431(c)) and the Banks pursuant to section 11(a) of the Act (12 U.S.C. 1431(a)), on which the Banks are jointly and severally liable; and

(2) At the request of two or more Banks, by undertaking on a joint basis activities the requesting Banks are authorized by law to undertake individually.

(c) *Functions.* The OF shall have the following functions:

(1) Subject to part 910 of this chapter, with respect to consolidated obligations, the OF shall:

(i) Conduct or facilitate negotiations relating to the public or private offering and sale of consolidated obligations in such a manner as to promote the cooperative nature of the Bank System and assure that suitability standards are met;

(ii) Issue and service (including making timely payments on principal and interest due, subject to § 910.7 of this chapter) consolidated obligations pursuant to and in accordance with the policies and procedures established by the OF Board of Directors under this part, which shall govern the frequency and timing of issuance, issue size, minimum denomination, bond concessions, underwriter qualifications, currency of issuance, interest-rate change or conversion features, call features, principal indexing features, selection and retention of outside counsel, selection of clearing organizations, and the selection and compensation of underwriters for consolidated obligations, and shall be in accordance with the mission of the OF as set forth in § 941.2 and the requirements and limitations set forth in paragraph (c)(1)(iii) of this section;

(iii) Discharge the function described in paragraphs (c)(1)(i) and (ii) of this section effectively and at the lowest all-in funding costs over time, with due regard for prudent risk-management practices, prudential debt parameters, short and long-term market conditions, the cooperative nature of the Bank System, and the Banks' role as government-sponsored enterprises, and, consistent with:

(A) Maintaining reliable access to the short-term and long-term capital markets;

(B) Positioning the issuance of debt to take advantage of current and future capital market opportunities; and

(C) Defining and maintaining appropriate investor suitability standards.

(iv) Prepare and issue the combined annual and quarterly financial reports for the Bank System in accordance with the following requirements:

(A) The scope, form and content of the disclosure generally shall be consistent with the requirements of the Securities and Exchange Commission's Regulations S–K and S–X (17 CFR parts 229 and 210);

(B) Information about each Bank shall be presented as a segment of the Bank System as if Statement of Financial Accounting Standards No. 131, titled ''Disclosures about Segments of an Enterprise and Related Information'' (FASB 131) applied to the combined annual and quarterly financial reports of the Bank System.

(C) The standards set forth in paragraphs (c)(1)(iv)(A) and (B) of this section are subject to the exceptions set forth in the Appendix to this part 941.

(D) The OF shall file with the Finance Board and distribute to each Bank and Bank member the combined Bank

System annual report within 90 days after the end of the fiscal year, and the combined Bank System quarterly report within 45 days after the end of the first three fiscal quarters of each fiscal year.

(E) The Finance Board in its sole discretion shall determine whether or not a combined Bank System annual or quarterly financial report prepared by the OF pursuant to § 941.8 complies with the standards of this part 941.

(F) The OF shall promptly comply with any directive of the Finance Board regarding the preparation, filing, amendment or distribution of the combined Bank System annual or quarterly financial reports.

(v) Provide capital markets information concerning debt to the Banks;

(vi) Manage relationships with the Nationally Recognized Statistical Rating Organizations in connection with their rating of consolidated obligations;

(vii) Conduct research reasonably related to the issuance or servicing of consolidated obligations.

(2) The OF shall, to the extent requested by two or more Banks pursuant to any agreement or contract, facilitate or provide services for the management and administration of joint asset activities of the Banks otherwise authorized by law and in accordance with this part, including without limitation:

(i) Providing administrative and technical support for the origination, purchase, management, servicing, or sale of any assets acquired or to be acquired by two or more Banks pursuant to any agreement or contract, including Member Mortgage Assets;

(ii) Providing market information to the Banks concerning joint asset activities, or other assets or investments, as necessary from time to time;

(iii) Conducting and providing to the Banks research reasonably related to joint asset activities or other assets or investments of the Banks, as necessary from time to time;

(iv) Developing, administering, and maintaining appropriate systems for timely monitoring of each Bank's unsecured credit exposure to individual counter-parties, and appropriate systems to manage Bank System exposure to counter-party risk within Bank System limits;

(v) Adopting and administering procedures to enable the Banks to jointly manage their liquidity; and

(vi) Adopting procedures to facilitate the sale or participation of advances and other assets among the Banks.

(3) In accordance with policies and procedures established by the OF Board of Directors, the OF shall perform such duties and responsibilities for the Financing Corporation (FICO) or the Resolution Funding Corporation (REFCorp) on behalf of the Banks, as may be required.

(d) *Use of facilities or personnel.* The OF may contract with a Bank or Banks for the use of Bank facilities or personnel in order to perform its functions.

§ 941.3 Finance Board oversight.

(a) *Oversight and enforcement actions.* The Finance Board has the same regulatory oversight authority and enforcement powers over the OF, the OF Board of Directors, the directors, officers, employees, agents, attorneys, accountants or other OF staff, as it has over a Bank and its respective directors, officers, employees, attorneys, accountants, agents or other staff.

(b) *Examinations.* Pursuant to section 20 of the Act (12 U.S.C. 1440), the Finance Board shall examine the OF, all funds and accounts that may be established pursuant to this part 941, and the operations and activities of the OF, as provided for in the Act or any regulations promulgated pursuant thereto.

§ 941.4 The OF board of directors.

(a) *Composition of the OF board of directors.* The OF Board of Directors shall consist of 24 members, 6 of whom shall be appointed by the Finance Board, 6 of whom shall be elected by members of the Banks, and 12 of whom shall be appointed by the Banks.

(1) *Finance Board appointments.* The Finance Board shall appoint a total of six directors. Each director appointed by the Finance Board shall be a citizen of the United States having demonstrated experience in financial markets or asset management. An individual who is affiliated with any consolidated obligation selling or dealer group member under contract with the OF is not eligible to be appointed or serve as a member of the OF Board of Directors.

(2) *Bank appointments.* Each Bank shall, by resolution of its board of directors, appoint one director, who shall be an officer, director or employee of the Bank.

(3) *Member elections.* Bank System Members shall elect six directors through annual elections conducted by the OF.

(i) *Eligibility requirements.* To be eligible for nomination, election, and service as a member of the OF Board of Directors, an individual shall be a citizen of the United States with demonstrated experience in financial markets or asset management. An individual who is affiliated with any consolidated obligation selling or dealer group member under contract with the OF is not eligible to serve as a member of the OF Board of Directors. A Bank System member and its affiliates may not have more than one representative on the OF Board of Directors at any time.

(ii) *Member-elected directorships and certain restrictions.* Each member of the Bank System is entitled to nominate an eligible person for service on the OF Board of Directors in each annual election. Two member-elected directorships shall be filled each year from such nominees by a plurality of the votes which such members may cast in an election held by the OF under this part 941. Each member may cast a number of votes equal to the number of shares of stock in such Bank held by the member at the end of the calendar year preceding the election.

(iii) *Nominations.* The OF shall prepare the nomination forms and transmit them to the Bank System members no later than March 1st of the election year. The nomination forms shall state the director eligibility requirements and the restrictions. Members shall have not less than 30 calendar days to submit nomination forms to the OF. The OF shall create acceptance and certification of eligibility forms, and provide such forms to the nominees no later than May 1st of the election year and the nominees shall have 30 days to accept or decline the nomination and provide the written eligibility certification to the OF.

(iv) *Ballots.* The OF shall prepare a ballot for the OF Board of Directors election to be used in each Bank district based on the acceptance and certification forms, and provide the ballot to the Banks no later than July 1st of the election year. The Banks shall transmit the ballot to their members with the election ballots for the election of the Banks' respective boards of directors. Bank System members shall have a minimum of 30 days to vote and return the OF Board of Directors election ballot to the OF. The OF will tabulate the ballots and announce the slate of the OF Board of Directors no later than November 1st of the election year.

(b) *Terms.* The term of each director shall be three years and initial terms shall be staggered such that ⅓ of the terms expire each year.

(c) *Vacancies.* (1) *In general.* An OF director appointed or elected to fill a vacancy shall be appointed or elected only for the remainder of the term during which the vacancy occurred.

(2) *Appointed directors.* Vacancies in directorships appointed by the Finance Board or the Banks shall be filled in the manner in which the original appointment was made.

(3) *Elected directors.* Vacancies in directorships elected by Bank System members shall be filled by a majority vote of the remaining directors.

(d) *Chair and vice chair.* (1) The Finance Board shall designate one member of the OF Board of Directors as the chair, and another member as the vice chair.

(2) The chair shall preside over meetings of the OF Board of Directors. In the absence of the chair, the vice chair shall preside. The chair is responsible for ensuring that the directives and resolutions of the OF Board of Directors are drafted and maintained and for keeping the minutes of all meetings.

(e) *Compensation.* Members of the OF Board of Directors may receive compensation and reimbursement for expenses incurred as a result of their service on the OF Board of Directors.

(f) *Committees.* (1) The OF Board of Directors shall establish an audit committee consistent with the requirements set forth in part 917 of this chapter.

(2) The OF Board of Directors shall establish an executive committee comprising member-elected directors, Bank-appointed directors, and Finance Board-appointed directors, each represented in the same proportions as they are on the full OF Board of Directors.

(3) The OF Board of Directors shall establish a committee to coordinate the issuance and servicing of consolidated obligations under part 910 of this chapter.

(4) The OF Board of Directors may establish additional committees that are necessary and appropriate to carry out the duties and responsibilities of the OF Board of Directors.

(5) The OF Board of Directors shall promulgate policies and define the roles and duties of any committees so established, which shall be binding upon such committees.

(g) *Quorum.* A quorum, for purposes of meetings of the OF Board of Directors and of meetings of committees of the OF Board of Directors, shall be a simple majority of the total directorships on the OF Board of Directors or the committee.

§ 941.5 Powers of the OF board of directors.

(a) *General.* The OF Board of Directors shall enjoy such incidental powers under section 12(a) of the Act (12 U.S.C. 1432(a)), as are necessary, convenient and proper to accomplish the efficient operation and management of the OF pursuant to this part, consistent with part 917 of this chapter.

(b) *Agent.* Subject to any limitations set by the Finance Board, the OF Board of Directors, in the performance of its duties, shall have the power to act on behalf of:

(1) The Banks in issuing consolidated obligations pursuant to section 11(a) of the Act (12 U.S.C. 1431(a));

(2) The Finance Board in issuing consolidated obligations pursuant to section 11(c) of the Act (12 U.S.C. 1431(c)); and

(3) The Banks in paying principal and interest due on the consolidated obligations, or other obligations of the Banks.

(c) *Delegation.* The OF Board of Directors may delegate any of its powers to any employee of the OF in order to enable the OF to carry out its functions.

(d) *Indemnification.* (1) The OF Board of Directors may determine the terms and conditions under which its members, the Chief Executive Officer, and other officers and employees of the OF will be indemnified by the OF, provided that such terms and conditions are consistent with the terms and conditions of indemnification of directors, officers and employees of the Bank System, generally.

(2) Such indemnification procedures, when duly adopted, may be supplemented by a contract of insurance, and all expenses incident to indemnification will be treated as an expense of the OF.

§ 941.6 Duties of the OF board of directors.

(a) *General.* (1) *Bylaws.* The OF Board of Directors shall adopt bylaws, consistent with applicable laws and regulations as administered by the Finance Board, governing its operation and issue such guidance or instruction as will promote the efficient operation of the OF.

(2) *Conduct of business.* The OF Board of Directors shall conduct its business by majority vote of its members convened at a meeting in accordance with its bylaws.

(b) *Oversight.* The OF Board of Directors shall:

(1) Be responsible for the conduct and performance of all duties, functions, operations and activities of the OF and for its efficient and effective operation;

(2) Set policies for management of the OF, including a policy addressing the relationship between the Banks as issuers of debt and Bank System members as issuers of debt;

(3) Approve a strategic business plan for the OF and monitor the progress of its operations under such plan;

(4) Review, adopt and monitor the annual operating and capital budgets of the OF including any supplemental expenditure thereto;

(5) Select, employ and define the duties of a Chief Executive Officer of the OF. The Chief Executive Officer, or the Chief Executive Officer's designee, shall be:

(i) The Fiscal Agent of the Banks;

(ii) A member of the Directorate of the Financing Corporation, pursuant to section 21(b)(1)(A) of the Act (12 U.S.C. 1441(b)(1)(A); and

(iii) A member of the Directorate of the Resolution Funding Corporation, pursuant to section 21B(c)(1)(A) of the Act (12 U.S.C. 1441b(c)(1)(A)).

(6) Review and approve all contracts of the OF; and

(7) Assume any other responsibilities that may from time to time be delegated to it by the Finance Board.

(c) The OF Board of Directors shall be subject to and shall operate in accordance with Finance Board policies and regulations as applicable to the boards of directors of the Banks, including part 917 of this chapter.

§ 941.7 Funding of the OF.

(a) *General.* The Banks are responsible for jointly funding the OF.

(b) *Method.* (1) At the direction of and pursuant to policies and procedures adopted by the OF Board of Directors, the Banks shall periodically reimburse the OF Operations Imprest Fund in order to maintain in such fund an amount approved by the OF Board of Directors sufficient to fund operations of the OF under a budget approved by the OF Board of Directors.

(2) Each Bank's respective *pro rata* share of the reimbursement described in paragraph (b)(1) of this section shall be based on the ratio of the total paid-in value of its capital stock relative to the total paid-in value of all capital stock in the Bank System. With the prior approval of the Finance Board, the OF Board of Directors may implement an alternative formula for determining each Bank's respective share of the OF expenses or, by contract with a Bank or Banks, may choose to be reimbursed through a fee structure in lieu of or in addition to assessment, for services provided to the Bank or Banks for the issuance or servicing of consolidated obligations or the management and administration of joint asset activities.

§ 941.8 Savings clause.

All actions taken by the OF as it existed prior to the amendments made

to this part shall continue to be valid as regards the Finance Board and the Bank System.

Appendix A to Part 941—Exceptions to the General Disclosure Standards

A. Related-Party Transactions. Item 404 of Regulation S–K, 17 CFR 229.404, requires the disclosure of certain relationships and related party transactions. In light of the cooperative nature of the Bank System, related-party transactions are to be expected, and a disclosure of all related-party transactions that meet the threshold would not be meaningful. Instead, the combined annual report will disclose the percent of advances to members an officer of which serves as a Bank director, and list the top 10 holders of advances in the Bank System and the top 5 holders of advances by Bank, with a further disclosure indicating which of these members had an officer that served as a Bank director.

B. Biographical Information. The biographical information required by Items 401 and 405 of Regulation S–K, 17 CFR 229.401 and 405, will be provided only for the members of the Board of Directors of the Finance Board, Bank presidents, chairs and vice chairs, and the directors and Chief Executive Officer of the OF.

C. Compensation. The information on compensation required by Item 402 of Regulation S–K, 17 CFR 229.402, will be provided only for Bank presidents and the Chief Executive Officer of the OF. Since stock in each Bank trades at par, the Finance Board will not include the performance graph specified in Item 402(1) of Regulation S–K, 17 CFR 229.402(1).

D. Submission of Matters to a Vote of Stockholders. No information will be presented on matters submitted to shareholders for a vote, as otherwise required by Item 4 of the SEC's form 10–K, 17 CFR 249.310. The only item shareholders vote upon is the annual election of directors.

E. Exhibits. The exhibits required by Item 601 of Regulation S–K, 17 CFR 229.601, are not applicable and will not be provided.

F. Per Share Information. The statement of financial information required by Items 301 and 302 of Rule S–K, 17 CFR 229.301 and 302, is inapplicable because the shares of the Banks are subscription capital that trades at par, and the shares expand or contract with changes in member assets or advance levels.

G. Beneficial Ownership. Item 403 of Rule S–K, 17 CFR 229.403, requires the disclosure of security ownership of certain beneficial owners and management. The combined financial report will provide a listing of the 10 largest holders of capital stock in the Bank System and a listing of the 5 largest holders of capital stock by Bank. This listing will also indicate which members had an officer that served as a director of a Bank.

By the Board of Directors of the Federal Housing Finance Board.

Dated: December 14, 1999.

Bruce A. Morrison,

Chairman.

[FR Doc. 00–35 Filed 1–3–00; 8:45 am]

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FEDERAL HOUSING FINANCE BOARD

[NO. 99–61A]

RIN 3069–AA88

Proposed Changes to the Financial Management Policy of the Federal Home Loan Bank System

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is proposing to amend its policy statement entitled ''Financial Management Policy of the Federal Home Loan Bank System'' (FMP). The proposed amendments to the FMP are being made in conjunction and conformance with proposed regulatory changes to the Finance Board's regulations regarding the Office of Finance (OF), described in detail in a Proposed Rule published elsewhere in this issue of the **Federal Register**. The proposed regulatory changes would reorganize the OF, a joint office of the Federal Home Loan Banks (Bank or Banks), and broaden its duties, functions and responsibilities in two key respects: (1) the OF would perform consolidated obligation (CO) issuance functions, including preparation of combined financial reports, for the Banks; and (2) the OF would serve as a vehicle for the Banks to carry out joint activities in a way that promotes operating efficiency and effectiveness in achieving the mission of the Banks.

DATES: The Finance Board will accept comments on the proposed changes to the FMP in writing on or before March 6, 2000.

ADDRESSES: Send comments to Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov,* or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Joseph A. McKenzie, Deputy Chief Economist, Office of Policy, Research and Analysis, 202/408–2845, *mckenziej@fhfb.gov;* Charlotte A. Reid, Special Counsel, Office of General Counsel, 202/408–2510, *reidc@fhfb.gov;* or Eric E. Berg, Senior Attorney, Office of General Counsel, 202/408–2589, *berge@fhfb.gov.* Staff also can be reached by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Background

The FMP evolved from a series of policies and guidelines initially adopted by the former Federal Home Loan Bank Board (FHLBB), predecessor agency to the Finance Board, in the 1970s and revised a number of times thereafter. The Finance Board adopted the FMP in 1991, consolidating into one document the previously separate policies on funds management, hedging, and interest-rate swaps, and adding new guidelines on the management of unsecured credit and interest-rate risks. *See* 62 FR 13146 (Mar. 19, 1997).

The FMP generally provides a framework within which the Banks may implement their financial management strategies in a prudent and responsible manner. Specifically, the FMP identifies the types of investments the Banks may purchase pursuant to their statutory investment authority and includes a series of guidelines relating to the funding and hedging practices of the Banks and the management of their credit, interest-rate, and liquidity risks. The FMP also establishes liquidity requirements in addition to those required by statute. *See* FMP secs. III–IV.

II. Analysis of the FMP amendments

Pursuant to section 11 of the Federal Home Loan Bank Act, 12 U.S.C. 1431, and the proposed changes to 12 CFR parts 900, 910 and 941 described in detail in a Proposed Rule published elsewhere in this issue of the **Federal Register**, the Finance Board and the Banks have authority to issue through the OF consolidated obligations (COs), *i.e.,* bonds, notes, or debentures on which the Banks are jointly and severally liable. Under the FMP, a Bank is authorized to participate in the proceeds from COs, so long as entering into such transactions will not cause the Bank's total COs and unsecured senior liabilities to exceed 20 times its capital. *See* FMP sec. IV.C.

The FMP also authorizes a Bank to participate in certain types of standard and non-standard debt issues. *See id.* Specifically, the FMP requires a Bank participating in non-standard debt issues to enter into a contemporaneous hedging arrangement that passes the interest-rate or basis risk through to the hedge counterparty unless the Bank is able to document that the debt will be used to fund mirror-image assets in an amount equal to the debt, offset or reduce interest-rate or basis risk in the Bank's portfolio, or otherwise assist the Bank in achieving its interest-rate or basis risk management objectives. If a Bank participates in debt denominated in a currency other than U.S. dollars, it is required to hedge the currency exchange risk. *See id.* at sec. IV.C.3.

The proposed FMP amendments would delete existing section IV, ''Funding Guidelines,'' and replace it with a new section IV titled ''Minimum Total Capital and Hedging Requirements.'' The new section would read as follows:

Minimum Total Capital and Hedging Requirements.

A. *Leverage limit.* Each Bank shall have and maintain at all times total capital in an amount equal to at least 4.76 percent of the Bank's total assets. For purposes of this section, total capital is the sum of a Bank's retained earnings and total paid-in capital stock outstanding, less the Bank's unrealized net losses on available-for-sale securities.

B. *Prohibition on foreign currency or commodity positions.* A Bank shall not take a position in any commodity or foreign currency. If a Bank participates in consolidated obligations denominated in a currency other than U.S. dollars or linked to equity or commodity prices, it must hedge the currency, equity, and commodity risks.

The proposed FMP amendments would eliminate the Funding Guidelines, with one exception, as unnecessary in light of the proposed comprehensive regulatory amendments published elsewhere in this issue of the **Federal Register**. The one exception concerns the leverage limit. Currently, Finance Board regulations (12 CFR 910.1(b)) and the FMP provide that, on a Bank System-wide and Bank-by-Bank basis, respectively, liabilities cannot exceed 20 times paid-in capital stock, retained earnings, and reserves. As discussed in detail in the proposed rulemaking, the Finance Board is proposing to remove the System-wide liability-based leverage limit from Finance Board regulations as unnecessary, and is here proposing to replace the current Bank-by-Bank liability-based leverage limit in the FMP with a minimum total capital requirement that would, in effect, recast the leverage limit as a percentage of assets, that is, that a Bank's total assets cannot exceed 21 times its capital, or inversely, capital must be at least 4.76 percent of assets. The Bank System had an average capital-to-assets ratio of 5.1 percent at September 30, 1999.

Neither the elimination of the Bank System-wide leverage limit from the Finance Board regulations, nor the proposed revision to the Bank-by-Bank leverage limit contained in the FMP, would have any practical effect on the Bank System or its bondholders. The Finance Board, as the regulator of the Banks, would continue to monitor each Bank for compliance with the individual leverage limit included in

the FMP. The current FMP prohibits a Bank from participating in COs if such transactions would cause the Bank's liabilities to exceed 20 times the Bank's total capital. The proposed revision to the FMP would establish an equivalent leverage standard stated as a percentage of assets that would require each Bank to maintain capital of at least 4.76 percent of its total assets. Imposition of the 4.76 percent standard on each Bank will ensure that the Bank System itself stays within the leverage limit, rendering retention of a Bank System-wide leverage limit unnecessary. Further, the Finance Board notes that with the recent passage of Title VI of the Gramm-Leach-Bliley Act, the Federal Home Loan Bank System Modernization Act of 1999, Pub. L. 106–102, 113 Stat. 1338 (Nov. 12, 1999), the Banks will be subject to statutory leverage limits and risk-based capital requirements. When implemented in regulations, the new risk-based capital regime will provide an additional safeguard to the Bank System and its bondholders by requiring Banks to hold capital in proportion to the risks they assume.

The changes reflected in proposed section IV.B of the FMP do not draw the distinction between standard and non-standard debt issues contained in the current FMP. Instead, the changes require the Banks to hedge some types of debt issues previously defined as non-standard. The types of debt issues that must be hedged under the proposed amendments to the FMP are those linked to equity or commodity prices or those denominated in foreign currencies.

The Finance Board also is taking this opportunity to propose a change in the FMP unrelated to the issuance of debt or the OF reorganization. Section VII of the FMP contains guidelines for the Banks on the management of interest-rate risk. The Finance Board uses duration of equity as its primary measure of interest-rate risk. The current FMP gives the Banks an option on how to calculate their duration of equity. The option deals with the inclusion or exclusion of the cash flows associated with the Bank's Affordable Housing Program (AHP) and Resolution Funding Corporation (REFCorp) obligations. Since 1995, each Bank has to contribute a minimum of 10 percent of its annual income (net of its REFCorp obligation) for the AHP, with a Bank System-wide minimum of $100 million. *See* 12 U.S.C. 1430(j)(5)(C). In addition, the Banks, in the aggregate, formerly were required annually to contribute $300 million towards the Bank System's REFCorp obligation. *Id.* 1441b(f)(2)(c) (superseded).

The Gramm-Leach-Bliley Act changed the REFCorp obligation for years 2000 and beyond from a fixed annual payment of $300 million to the payment of 20 percent of the Banks' net earnings (net of AHP and operating expenses), with the payment period extended or shortened as necessary to ensure full payment of the present value of the obligation. Since the AHP has not been a fixed dollar obligation since 1994 and the REFCorp obligation will no longer be a fixed dollar amount, the Finance Board proposes to prohibit the Banks from managing their assets and liabilities as if these items are fixed dollar obligations. Instead, under the revised FMP, a Bank would treat these obligations as typical variable expenses (like operating expenses) for purposes of asset-liability management. Because the Banks' AHP and REFCorp obligations are variable expenses, the Finance Board believes that it would not be appropriate for the Banks to include AHP and REFCorp-related cash flows in their duration of equity calculations. The Finance Board originally proposed this change to the FMP in 1997. *See* 62 FR 13146 (Mar. 19, 1997). The proposed language would read as follows:

> Each Bank is required to report its cash flows and calculate its duration and market value of equity without projected cash flows which represent the Bank's share of the System's REFCorp and AHP obligations.

The Finance Board is expressly proposing this language again as even more appropriate in light of the Gramm-Leach-Bliley Act change to the REFCorp payment methodology.

The Finance Board will accept comments on the proposed FMP amendments for the same 60-day comment period as the proposed regulatory amendments to parts 900, 910, and 941.

By the Board of Directors of the Federal Housing Finance Board.

Dated: December 14, 1999.

Bruce A. Morrison,

Chairman.

[FR Doc. 00–36 Filed 1–3–00; 8:45 am]

BILLING CODE 6725–01–P

Federal Register

Tuesday
January 4, 2000

Part III

Department of the Treasury

Community Development Financial Institutions Fund

Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Technical Assistance (TA) Component; Notice

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Technical Assistance (TA) Component

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Notice of Funds Availability (NOFA) inviting applications.

SUMMARY: The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 *et seq.*) (the ''Act'') authorizes the Community Development Financial Institutions Fund (the ''Fund'') of the U.S. Department of the Treasury to select and provide financial and technical assistance to eligible applicants under the Community Development Financial Institutions (''CDFI'') Program. The interim rule (12 CFR part 1805), most recently revised and published in the **Federal Register** on November 1, 1999, provides guidance on the contents of the necessary application materials, evaluation criteria, and other program requirements. More detailed application content requirements are found in the application packet. While the Fund encourages applicants to review the interim rule, all of the application content requirements and the evaluation criteria contained in the interim rule are also contained in the application packet. Subject to funding availability, the Fund intends to award up to $4.5 million in appropriated funds under this NOFA and expects to issue approximately 80 to 90 awards. The Fund reserves the right to award in excess of $4.5 million in appropriated funds under this NOFA provided that funds are available and the Fund deems it appropriate. The Fund reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFA.

This NOFA is issued in connection with the TA Component of the CDFI Program. The TA Component provides direct assistance to CDFIs, and in some circumstances, other entities that propose to become CDFIs, to enhance their capacity to serve their Target Markets.

DATES: Applications may be submitted at any time following January 4, 2000. Applications will be received and reviewed on a rolling basis, as described below. The final deadline for receipt of an application, however, is 6 p.m. EDT on May 31, 2000. Applications received in the offices of the Fund after that date and time will be rejected and returned to the sender.

ADDRESSES: Applications shall be sent to: Awards Manager, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, DC 20005. Applications sent electronically or by facsimile will not be accepted.

FOR FURTHER INFORMATION CONTACT: If you have any questions about programmatic requirements, contact the TA Program Manager. Should you wish to request an application package or have questions regarding application procedures, contact the Awards Manager. The TA Program Manager and the Awards Manager may be reached by e-mail at cdfihelp@cdfi.treas.gov, by telephone at (202) 622–8662, by facsimile at (202) 622–7754 (these are not toll free numbers), or by mail at CDFI Fund, 601 13th Street, NW, Suite 200 South, Washington, DC 20005. Allow at least one to two weeks from the date the Fund receives a request for receipt of the application package. Applications and other information regarding the Fund and its programs may be downloaded from the Fund's web site at http://www.treas.gov/cdfi.

SUPPLEMENTARY INFORMATION:

I. Background

Credit and investment capital are essential ingredients for developing affordable housing, starting or expanding businesses, creating and retaining jobs from these businesses, revitalizing neighborhoods, and empowering people. As a key urban and rural policy initiative, the CDFI Program funds and supports a national network of financial institutions that is specifically dedicated to funding and supporting community development. This strategy builds strong institutions that make loans and investments and provide services to economically distressed investment areas and economically disadvantaged targeted populations. The Act authorizes the Fund to select entities to receive financial and technical assistance. This NOFA invites applications from eligible organizations for technical assistance for the purpose of promoting community development activities.

The program connected with this NOFA constitutes the TA Component of the CDFI Program, involving direct technical assistance (TA) to CDFIs that provide loans, investments and other activities to their target markets. Under this TA Component NOFA, the Fund anticipates making a maximum award amount of $50,000 to any one applicant. However, the Fund, in its sole discretion, reserves the right to award amounts in excess of the anticipated maximum amount if the Fund deems it appropriate.

Previous awardees under the CDFI Program are eligible to apply under this NOFA, but such applicants must be aware that success in a previous round should not be considered indicative of success under this NOFA. In addition, organizations will not be penalized for having previously received awards from the Fund, except to the extent that:

(1) The Fund is generally prohibited from obligating more than $5 million in assistance, in the aggregate, to any one organization and its subsidiaries and affiliates during any three year period; and

(2) The Fund will not make an award to a previous awardee that has failed to meet its performance goals, financial soundness covenants (if applicable), and/or other certain requirements contained in the previously executed assistance agreement(s).

II. Eligibility

The Act and the interim rule specify the eligibility requirements that each applicant must meet in order to be eligible to apply for assistance under this TA Component NOFA. At the time an entity submits its application, the entity must be a duly organized and validly existing legal entity under the laws of the jurisdiction in which it is incorporated or otherwise established. An entity must meet, or propose to meet, CDFI eligibility requirements.

If the applicant does not meet the CDFI eligibility requirements, the application shall include a realistic plan for the applicant to meet the criteria by September 30, 2002 (the deadline may be extended at the sole discretion of the Fund). In no event will the Fund disburse technical assistance to the applicant until the applicant can be certified as a CDFI, except in such circumstances when, in the judgment of the Fund, the use of technical assistance will help the applicant meet a certification requirement(s). Further details regarding eligibility and other program requirements are found in the application packet.

In general, a CDFI and its affiliates must collectively have a primary mission of promoting community development. In addition, the applicant organization must: provide loans or equity investments, serve an investment area or a targeted population, provide development services, maintain community accountability, and be a

non-governmental entity. If an applicant is a depository institution holding company or an affiliate of a depository institution holding company, the applicant and its affiliates must collectively meet all of the aforementioned requirements. If an applicant is a subsidiary of an insured depository institution, the insured depository institution and all of its subsidiaries must collectively meet all of the aforementioned requirements.

III. Types of Assistance

An applicant under this NOFA may only submit one application for a TA grant.

IV. Application Packet

An applicant under this NOFA must submit the materials described in the application packet.

V. Evaluation

With the exception of applications received by the Fund during January 2000, applications received under this NOFA will be reviewed monthly on a rolling basis. All applications received by the Fund from the date of this NOFA through 6 p.m. EST, February 29, 2000, will be reviewed together; provided that funds are available, applications received after 6 p.m. EST, February 29, 2000, through 6 p.m. EST, March 31, 2000 will be reviewed together; provided that funds are available, applications received after 6 p.m. EST, March 31, 2000, through 6 p.m. EDT, April 28, 2000, will be reviewed together; and, provided that funds are available, applications received after 6 p.m. EDT, April 28, 2000, through 6 p.m. EDT, May 31, 2000, will be reviewed together. Applications received in the offices of the Fund after 6 p.m. EDT, May 31, 2000, will be rejected and returned to the sender.

An entity may submit only one application under this NOFA. If a subsequent application is received, the Fund will reject it and return it to the sender. Potential applicants should note that, as the Fund intends to review and select award applications on a rolling basis, it is possible that funding decisions made early during the rolling review period may obligate all of the funds made available under this NOFA. The amount available for awards will decrease each month as the Fund reviews applications and makes award selections. After each submission date, applications received will first be reviewed for eligibility and completeness. If determined to be eligible and complete, applications will be evaluated by the Fund on a competitive basis in accordance with the criteria described in this NOFA. In conducting its substantive review, the Fund will evaluate applications according to the criteria in, and use the procedure described in, this NOFA.

Phase One

In Phase One of the substantive review, each Fund reader will evaluate applications using a 100-point scale, using the following criteria and allocation of points:

(a) *Comprehensive Business Plan*, 60 points, with a minimum score of 30 points required to advance to Phase Two review. The score for the Comprehensive Business Plan is based on a composite assessment of an applicant's strength and weaknesses under six sub-criteria. Such scoring reflects different weighting of the sub-criteria depending on whether the applicant is a start-up organization or an established organization. The Fund defines a start-up organization as an entity that has been in operation two years or less, as of the date of this NOFA (meaning, for purposes of this NOFA, having incurred initial operating expenses on or after January 4, 1998).

The six sub-criteria are:

(1) Community development track record (established organizations only): 10 point maximum;

(2) Financial and operational capacity: 10 point maximum (established organizations); 4 point maximum (start-ups);

(3) Capacity, skills and experience of the management team: 14 point maximum (established organizations); and 30 point maximum (start-ups);

(4) Market analysis, program design and implementation plan: 12 point maximum;

(5) Projected activities and community development impact: 10 point maximum; and

(6) Funding sources: 4 point maximum.

In the case of an applicant that has previously received assistance from the Fund under the CDFI Program, the Fund will consider whether the applicant will expand its operations into a new target market, offer more products or services, and/or increase the volume of its activities. The Fund will consider the applicant's level of success in meeting its performance goals, financial soundness covenants (if applicable), and other requirements contained in the assistance agreement(s) with the Fund, and the benefits that will be created with new Fund assistance over and above benefits created by previous Fund assistance.

(b) *Technical Assistance Proposal (TAP),* 40 point maximum, with a 20 point minimum to advance to Phase Two review. The TAP provides the applicant with an opportunity to assess and address the organizational improvements needed to achieve the objectives of its comprehensive business plan. Such assessment is accompanied by a budget and a TA award request. In the TAP, the applicant should describe how improving its organization will translate to community development impact within its Target Market. The budget and accompanying narrative will be evaluated for the eligibility of proposed uses of the TA award. Eligible types of TA award uses include, but are not limited to, the following: (1) Consulting services; (2) technology items; and (3) training for staff or management. The Fund will not consider requests under this NOFA for expenses that, in the interpretation of the Fund, are deemed to be ongoing operating expenses rather than non-recurring expenses (for example, the cost of designing marketing materials for a loan product through a consulting contract is a non-recurring expense, but the cost of producing or distributing printed marketing materials is an ongoing expense; salary expenses for staff are ongoing, but the cost of a consulting contract for a discrete scope of services is a non-recurring expense). Further, a TA award may not be used to assist an awardee to prepare an application for funding to the Fund or to any other source.

Phase Two

Once the initial evaluation is complete, the Fund will determine which applications will receive further consideration for funding. The Fund will make that determination based on application scores (standardized if deemed appropriate), recommendations of individuals performing initial reviews, and the amount of funds available. Applicants that advance to Phase Two may receive a telephone interview(s) conducted by a Fund reviewer for the purpose of obtaining clarifying or confirming information. At this point in the process, applicants may be required to submit additional information about their application in order to assist the Fund with its final evaluation. After conducting such telephone interview(s), the Fund reviewer will evaluate applications in accordance with the criteria outlined above and will prepare a recommendation memorandum regarding the uses and amount of assistance that should be provided to the applicant.

A panel comprised of Fund staff will review the reviewer's recommendation

memorandum and make a final recommendation to the Fund's selecting official, who will make the final funding decision. In making the funding decision, the Fund's selecting official also may consider the institutional diversity and geographic diversity of applicants (*e.g.,* recommending a CDFI from a State in which the Fund has not previously made an award over a CDFI in a State in which the Fund has already made numerous awards).

The Fund's selecting official will make a final funding determination based on the applicant's file, including, without limitation, recommendations of the Phase One reader(s), the Phase Two reviewer, and the panel, and the amount of funds available. In the case of regulated CDFIs, the selecting official will also take into consideration the views of the appropriate Federal banking agencies. In the case of recommendations for TA awards over $50,000, the Fund will seek to ensure that there is a likelihood of significant community development impact resulting from such awards.

The Fund reserves the right to change these evaluation procedures if the Fund deems it appropriate.

VI. Information Sessions

In connection with this NOFA, the Fund will conduct Information Sessions to disseminate information to organizations contemplating applying for, and other organizations interested in learning about, the TA Component of the CDFI Program. Registration is required and registration in advance is preferred. The Fund will conduct six in-person Information Sessions, beginning January 26, 2000, as follows:

Albuquerque, NM, Monday, February 14, 2000;
Des Moines, IA, Monday, February 7, 2000;
Laramie, WY, Tuesday, February 1, 2000;
Nashville, TN, Wednesday, February 9, 2000;
Seattle, WA, Friday, February 11, 2000; and
Washington, DC, Wednesday, January 26, 2000.

In addition to the in-person sessions listed above, the Fund will broadcast an Information Session using interactive video-teleconferencing technology on Friday, February 4, 2000 from 1 p.m. to 4 p.m. EST. Registration is required and registration in advance is preferred. This Information Session will be produced in Washington, DC, and will be downlinked via satellite or pic-tel to the local Department of Housing and Urban Development (HUD) offices located in the following 81 cities: Albany, NY; Albuquerque, NM; Anchorage, AK; Atlanta, GA; Baltimore, MD; Bangor, ME; Birmingham, AL; Boise, ID; Boston, MA; Buffalo, NY; Burlington, VT; Camden, NJ; Casper, WY; Charleston, WV; Chicago, IL; Cincinnati, OH; Cleveland, OH; Columbia, SC; Columbus, OH; Dallas, TX; Denver, CO; Des Moines, IA; Detroit, MI; Fargo, ND; Flint, MI; Fort Worth, TX; Fresno, CA; Grand Rapids, MI; Greensboro, NC; Hartford, CT; Helena, MT; Honolulu, HI; Houston, TX; Indianapolis, IN; Jackson, MS; Jacksonville, FL; Kansas City, KS; Knoxville, TN; Las Vegas, NV; Little Rock, AR; Los Angeles, CA; Louisville, KY; Lubbock, TX; Manchester, NH; Memphis, TN; Miami, FL; Milwaukee, WI; Minneapolis/St. Paul, MN; Nashville, TN; New Orleans, LA; New York, NY; Newark, NJ; Oklahoma City, OK; Omaha, NE; Orlando, FL; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, OR; Providence, RI; Reno, NV; Richmond, VA; Sacramento, CA; St. Louis, MO; Salt Lake City, UT; San Antonio, TX; San Diego, CA; San Francisco, CA; San Juan, PR; Santa Ana, CA; Seattle, WA; Shreveport, LA; Sioux Falls, SD; Spokane, WA; Springfield, IL; Syracuse, NY; Tampa, FL; Tucson, AZ; Tulsa, OK; Washington, DC; and Wilmington, DE.

For more information, or to register for an Information Session, please contact the Fund at (202) 622–8662 or visit the Fund's web site at *www.treas.gov/cdfi.*

Authority: 12 U.S.C. 4703, 4703 note, 4704, 4706, 4707, and 4717; 12 CFR part 1805.

Dated: December 22, 1999.

Maurice A. Jones,

Deputy Director for Policy and Programs, Community Development Financial Institutions Fund.

[FR Doc. 99–33727 Filed 12–28–99; 8:45 am]

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FEDERAL REGISTER PAGES AND DATE, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

Note: The List of Public Laws for the first session of the 106th Congress has been completed and will resume when bills are enacted into law during the second session of the 106th Congress, which convenes on January 24, 2000.

A Cumulative List of Public Laws for the first session of the 106th Congress will be published in the **Federal Register** on December 30, 1999.

Last List December 21, 1999.